

CONSTITUTION

OF THE

STATE OF ALABAMA

AS REVISED AND AMENDED

BY THE

CONVENTION ASSEMBLED AT MONTGOMERY

ON THE

FIFTH DAY OF NOVEMBER, 1867.

MONTGOMERY, ALA:
ARTHUR BINGHAM, STATE PRINTER
1874.

CONSTITUTION

PREAMBLE

WE, the People of the State of Alabama, by our Representatives in Convention assembled, in order to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure to ourselves and to our posterity the rights of life, liberty, and property, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of government for the State of Alabama:

ARTICLE I

DECLARATION OF RIGHTS.

That the great, general, and essential principles of liberty and free government may be recognized and established, WE DECLARE:

(1. That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

(2. That all persons resident in this State, born in the United States, or naturalized, or who shall have legally declared their intention to become citizens of the United States, are hereby declared citizens of the State of Alabama, possessing equal civil and political rights and public privileges.

(3. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that therefore, they have, at all times, an inherent right to change their form of government, in such manner as they may deem expedient.

(4. That no persons shall be deprives of the right to worship God according to the dictates of his own conscience.

(5. That no religion shall be established by law.

(6. That any citizen may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

(7. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures or searches, and that no warrant shall issue to search any place, or to seize any person or thing without probable cause, supported by oath or affirmation.

(8. That in all criminal prosecutions, the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation; to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment of information, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and that he shall not be compelled to give evidence against himself, or be deprived of his life, liberty or property, but by due process of law.

(9. That no person shall be accused, or arrested, or detained, except in cases ascertained by law, and according to the forms which the same had prescribed; and that no person shall be punished but by virtue of a law established and promulgated prior to the offense, and legally applied.

(10. That no person shall, for any indictable offense, be proceeded against criminally, by information, except in cases arising in the land and naval service, or in the militia when in actual service, or by leave of the court for oppressing or misdemeanor in office ; Provided, That in cases of petit larceny, assault, assault and battery, affray, unlawful assemblies, vagrancy, and other misdemeanors, the General Assembly may, by law, dispense with a grand jury, and authorize such prosecutions and proceedings before justices of the peace, or such other inferior courts as may be by law established.

(11. That no persons shall, for the same offense, be twice put in jeopardy of life or limb.

(12. That no persons shall be debarred from prosecuting or defending, before any tribunal in the State, by himself, or counsel, any civil cause to which he is a party.

(13. That the right of trial by jury shall remain inviolate.

(14. That in prosecution for the publication of papers investigating the official conduct of officers, or men in public capacity, or when the matter published is proper for public

information, the truth thereof may be given in evidence; and that in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court.

(15. That all courts shall be open, that every person, for any injury done him in his lands, goods, person, or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial or delay.

(16. That suits may be brought against the State, in such manner and in such courts as may be by law provided.

(17. That excessive fines shall not be imposed, or cruel punishment inflicted.

(18. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great. Excessive bail shall not, in any case, be required.

(19. That privilege of writ of habeas corpus shall not be suspended, except when necessary for public safety in times of rebellion or invasion.

(20. That treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his own confession in open court.

(21. That no person shall be attainted of treason by the General Assembly; and that no conviction shall work corruption of blood or forfeiture of estate.

(22. That no persons shall be imprisoned for debt.

(23. That no power of suspending laws shall be exercised, except by the General Assembly, or by its authority.

(24. That no ex post facto law, or any law impairing the obligation of contracts, shall be made.

(25. That private property shall not be taken or applied for public use, unless just compensation be made therefor; nor shall private property be taken for private use, or for the use of corporations, other than municipal, without the consent of the owner ; Provided, however, That laws may be made securing to persons or corporations the right of way over the lands of either persons or corporations, and for works of internal improvement, the right to establish depots, stations, and turnouts, but just compensation shall, in all cases, be first made to the owner.

(26. That all navigable waters shall remain forever public highways, free to the citizens of the State, and of the United States, without tax, impost or toll imposed, and that no tax,

toll, impost, or wharfage shall be demanded or received from the owner of any merchandise or commodity, for the use of the shores, or any wharf erected on the shores, or in over the waters of any navigable stream, unless the same be expressly authorized by the General Assembly.

(27. That the citizens have a right, in a peaceable manner, to assemble together for the common good and to apply to those invested with the power of government, for redress of grievances, or other purposes, by petition, address, or remonstrance.

(28. That every citizen has a right to bear arms in defense of himself and the State.

(29. That no person who conscientiously scruples to bear arms shall be compelled to do so, but may pay an equivalent for personal service.

(30. That no standing army shall be kept up without the consent of the General Assembly; and in that case, no appropriation for its support shall be made for a longer term than one year, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

(31. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, or in time of war, but in a manner to be prescribed by law.

(32. That no title of nobility, or hereditary distinction, privilege, honor, or emolument, shall ever be granted or conferred in this State; that no property qualification shall be necessary to the election to, or holding of, any office in this State, and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

(33. That emigration from the State shall not be prohibited, and that no citizen shall be exiled.

(34. That temporary absence from the State shall not cause a forfeiture of residence once obtained.

(35. That no form of slavery shall exist in this State; and there shall be no involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

(36. The right of suffrage shall be protected by laws, regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or other improper conduct.

(37. That this State has no right to sever its relations to the Federal Union, or to pass any law in derogation of the paramount allegiance of the citizens of this State to the government of the United States.

(38. That this enumeration of certain rights shall not impair or deny others retained by the people.

ARTICLE II.

STATE AND COUNTY BOUNDARIES.

(1. The boundaries of this State are established and declared to be as follows-that is to say ; Beginning at the point where the thirty-five degree of north latitude crosses the Perdido river; thence east to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee ; thence west along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river, by said line; thence up said river to the mouth of Big Bear creek; thence by a direct line to the northwest corner of Washington county, in this State, as originally formed ; thence southerly, along the line of the State of Mississippi to the Gulf of Mexico ; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river ; and thence up the said river to the beginning.

(2. The General Assembly may, by a two-thirds vote of both houses thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except for a like vote. But no new counties shall be hereafter formed of less extent than six hundred square miles; and no existing county shall be reduced to less extent than six hundred square miles; and no new county shall be formed which does not contain a sufficient number of inhabitants to entitle it to one representative under the ratio of representation existing at the time of its formation, or unless the county or counties from which it is taken shall be left with the required number of inhabitants entitling such county or counties to separate representation.

ARTICLE III.

DISTRIBUTION OF POWERS OF GOVERNMENT.

(1. That the powers of government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit: Those who are legislative, to one; those which are executive, to another, and those which are judicial, to another.

(2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

(1. The legislative power of this State shall be vested in a General Assembly, which consist of a Senate and House of Representatives.

(2. The style of the laws of this State shall be: (Be it enacted by the General Assembly of Alabama.) Each law shall contain but one subject, which shall be clearly expressed in its title; and no law shall be revised or amended unless the new act contain the entire act revised, or the section or sections amended; and the section or section so amended shall be repealed.

(3. Senators and Representatives shall be so elected by the qualified electors on the Tuesday after the first Monday in November. The term of office of the Senators shall be four years, and that of the Representatives two years, commencing on the day after the general election.

(4. No person shall be a Representative unless he is eligible as an elector to vote for members of the General Assembly.

(5. No person shall be a Senator unless he be eligible as an elector to vote for members of the General Assembly, and shall be twenty seven years of age, and shall have resided for two years within the State, and for the last year thereof within the district for which he shall be chosen.

(6. The House of Representatives, when assembled, shall choose a Speaker and its other officers; and the Senate shall choose a President, in the absence of the Lieutenant Governor, and its other officers; each House shall judge of the qualifications, elections and returns of its own members, but a contested election shall be determined in such manner as shall be directed by law. The President of the Senate and the Speaker of the House of Representatives shall remain in office until their successors are elected and qualified.

(7. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in shall

such manner and under such penalties as each house may provide.

(8. Each house may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member; but not a second time for the same cause, and shall have all other powers necessary for a branch of the legislature of a free and independent State.

(9. Each house, during the session, may punish, by imprisonment, any person not a member, disrespectful or disorderly behavior in its presence, or obstructing any of its proceedings: Provided, that such imprisonment shall not, at any time, exceed forty eight hours.

(10. Each house shall keep a journal of its proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as in its judgment may require secrecy, and the yeas and nays of the members of either house, on any question, shall, at the desire of one-tenth of the members present, be entered on the journals. Any member of either house shall have liberty to dissent from, or protest against, any act or resolution which he may think injurious to the public or an individual, and have the reasons of his dissent entered on the journals.

(11. Members of the General Assembly shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest; and they shall not be subject to any civil process during the session of the General Assembly, nor for fifteen days next before the commencement and after the termination of each session.

(12. When vacancies occur in either house, the Governor, or the person exercising the powers of the Governor, shall issue writs of elections to fill such vacancies.

The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

(14. Neither house shall, without the consent of the other adjourn for more than three days, nor to any other place than that in which they may be sitting.

(15. Bills originate in either house, and be amended, altered, or rejected by the other ; but no bill shall have the force of law until on three several days it be read in each house, and free discussion be allowed thereon, unless, in case of urgency, four-fifths of the house in which the bill shall be pending may deem it expedient to dispense with this rule. And every bill, having passed both houses, shall be signed by the speaker and president of their respective houses; Pro-

vided, That all bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

(16. Every bill or resolution having the force of law, to which the occurrence of both houses of the General Assembly may be necessary, except on a question of adjournment, which shall have passed both houses, shall be presented to the Governor, and if he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on the journals, and proceed to reconsider it. If, after such reconsideration, a majority of the whole number of members of that house shall agree to pass it, it shall be sent, together with the objections, to the other house, by which it shall be reconsidered, and if approved by a majority of the whole number of members of that house; it shall have the same effect as if it had been signed by the Governor; but in all such cases the votes of both houses shall be taken by yeas and nays, and the names of persons voting for and against the bill or resolution shall be entered on the journals of both houses respectively. If the bill or resolution shall not be returned by the Governor withing five days (Sundays excepted) after it shall have been presented to him, it shall have the same force and effect as if he had signed it, unless the General Assembly, by its adjournment, prevent its return, in which case it shall not be law.

(17. Every order, resolution or vote, to which the concurrence of both houses may be necessary, (except on questions of adjournment, and for bringing on elections by the two houses,) shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by both houses, according to the rules and limitations prescribed in the case of bills.

(18. Each member of the General Assembly shall receive from the public treasury such compensation for his services as may be prescribed by law; but no increase of compensation shall take effect during the session a which such increase shall have been made.

(19. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such office as may be filled by election by the people.

(20. No person who holds any lucrative office under the

United States, or under this State, or any other State, or government, (except postmasters, officers in the militia, to whose office no annual salary is attached, justices of the peace, members of the court of county commissioners, notaries public, and commissioners of deeds;) no person who has been convicted of having given or offered any bribe to procure his election to any office, no person who has been convicted of bribery, forgery, perjury or other high crime, or misdemeanor, which may be by law declared to disqualify him, and no person who has been a collector or holder of any public moneys, and had failed to account for and pay over to the treasury all sums for which he may be by law accountable, shall be eligible to the General Assembly.

(21. The General Assembly shall meet annually, on such day as may be by law prescribed, and shall not remain in session longer than thirty days, except by a vote of two thirds of each house.

(22. In all elections by the General Assembly the members shall vote viva voce and the votes shall be entered on the journals.

(23. All State officers may be impeached for any misdemeanor in office, but judgment shall not extend further than removal from office, and disqualification to hold office, under the authority of this State. The party impeached, whether convicted or not, shall be liable to indictment, trial and judgment, according to law.

(24. The House of Representatives shall have the sole power of preferring impeachment. All impeachments shall be tried by the Senate; the Senators, when sitting for that purpose, shall be on oath or affirmation; and no person shall be convicted under an impeachment without the concurrence of two-thirds of the Senators present.

(25. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that mode of adjustment.

(26. It shall be the duty of the General Assembly from time to time, as circumstances may require, to frame and adopt a penal code, founded on the principles of reformation.

(27. It shall be the duty of the General Assembly, within five years after the adoption of this Constitution, and within every subsequent period of ten years, to make provision by law for the revision, digesting and promulgation of all the public statutes of this State, both civil and criminal.

(28. The General Assembly shall have power to pass such penal laws as they may deem expedient, to suppress the evil practice of dueling.

(29. It shall be the duty of the General Assembly to regulate by law the cases which deductions shall be made from the salaries of public officers for neglect of duty in their official capacities, and the amount of such deduction.

(30. Divorces from the bonds of matrimony shall not be granted but in cases by law provided for, and by suit in chancery; but decisions in chancery for divorce shall be final, unless appealed from in the manner prescribed by law, within three months of the date of the enrollment thereof.

(31. No money shall be drawn from the treasury but in pursuance of an appropriation made by law; and a regular statement and account of the receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

(32. The General Assembly shall not borrow or raise money on the credit of this State, except for purposes of military defense against actual or threatened invasion, rebellion or insurrection, without the concurrence of two-thirds of the members of each house; nor shall the debts or liabilities of any corporation, person or persons, or other States be guaranteed, nor any money, credit or other thing be loaned or given away, except by a like concurrence of each house; and the votes shall, in each case, be taken by the yeas and nays and be entered on the journals.

(33. The State shall not engage in works of internal improvement; but its credit in aid of such may be pledged by the General Assembly on undoubted security, by a vote of two -thirds of each house of the General Assembly.

(34. It shall be the duty of the General Assembly to make adequate provisions in each county for the maintenance of the poor of this State.

(35. Any citizen of this State who shall, after the adoption of this Constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or act as a second, or knowingly aid or assist in any manner those thus offending, shall be incapable of holding any office under this State.

(36. The General Assembly shall not have power to authorize any municipal corporation to pass any laws contrary to the general laws of the State, nor to levy a tax on real and personal property to a greater extent than two per centum of the assessed value of such property.

(37. In event of annexation of any foreign territory to this State, the General Assembly shall enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of the acquisition, anything in this Constitution to the contrary notwithstanding.

ARTICLE V.

EXECUTIVE DEPARTMENT.

(1. The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer and Attorney General, who shall be chosen by the electors of the State, at the time and places at which they shall vote for Representatives.

(2. The Governor, Lieutenant Governor, Secretary of State, Treasurer and Attorney General shall hold their offices for the term of two years, and the Auditor for the term of four years.

(3. The returns of every election for the officers named in the preceding section shall be sealed up and transmitted to the seat of the government, by the returning officers, directed to the presiding officer of the Senate, who, during the first week of the session, shall open and publish the same in the presence of a majority of the members of the General Assembly, the person having the highest number of votes shall be declared duly elected, but if two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint votes of both houses. Contested elections for executive officers, shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.

(4. The supreme executive power of this State shall be vested in the Governor.

(5. He shall take care that the laws are faithfully executed.

(6. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

(7. He shall communicate at every session by message to the General Assembly, the condition of the State, and recommend such measures as he shall deem expedient.

(8. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both

houses, when assembled, the purposes for which they have been convened.

(9. In case of disagreement between the two houses, in respect to the time of adjournment, he shall have power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof.

(10. He shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States.

(11. He shall have power, after conviction, to grant reprieves, commutations and pardons for all offences (except treason and cases of impeachment), upon such conditions as he may think proper, subject, however, to such regulations as to the manner of applying for pardons as may be prescribed by law; but such pardons shall not relieve from civil or political disability. Upon conviction of treason, he may suspend the execution of the sentence, and report the same to the General Assembly at the next meeting, when the General Assembly shall either pardon, commute the sentence, direct its execution, or grant further reprieve. He shall communicate to the General Assembly at every regular session each case of reprieve, commutation or pardon granted, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon or reprieve, with his reasons therefor.

(12. There shall be a great seal of the State, which shall be kept and used by the Governor officially, and the seal heretofore in use shall continue to be the great seal of the State until another shall have been adopted by the General Assembly.

(13. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the great seal, signed by the Governor, and countersigned by the Secretary of State.

(14. No member of Congress, or other person, holding office under the authority of this State, or of the United States, shall execute the office of Governor, except as herein provided.

(15. In case of death, impeachment, resignation, removal, or other disability of the Governor, the powers and duties of the office, for the residue of the term or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.

(16. The Lieutenant Governor shall be President of the Senate, but shall vote only when the Senate is equally divided, and in case of his absence or impeachment, or when he shall

exercise the office of Governor, the Senate shall choose a president pro tempore.

(17. If the Lieutenant Governor, while executing the office of Governor, shall be impeached, displaced, resign or die, or otherwise become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed, and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.

(18. Should the office of Secretary of State, Auditor, Treasurer of Attorney General become vacant from any of the caused specified in the fifteenth section of this article, the Governor shall fill the vacancy until the disability is removed or a successor elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after it shall have occurred, and the person chosen shall hold the office for the full term fixed in the second section of this article.

(19. The officers mentioned in this article shall, at stated times receive for their services a compensation to be established by law, which shall neither be increased or diminished during the period for which they shall have been elected.

(20. The officers of the Executive Department and of the public institutions of the State, shall, at least five days preceding each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly.

(21. A sheriff shall be elected in each county, by the qualified electors thereof, who shall hold his office for the term of three years, unless sooner removed, and shall not be eligible to serve wither as principal or deputy for any two successive terms. Vacancies in the office of sheriff shall be filled by the Governor, as in other cases, and the person appointed shall continue in office until the next general election in the county for sheriff, as by law provided.

ARTICLE VI.

JUDICIAL DEPARTMENT

(1. The judicial power of the State shall be vested in the Senate sitting as a court of impeachment, a supreme court, circuit courts, chancery courts, courts of probate, such infe-

rior courts of law and equity, to consist of not more than five members, as the General Assembly may from time to time establish, and such persons as may be by law invested with powers of a judicial nature.

(2. Except in cases otherwise directed in the Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations not repugnant to this Constitution, as may from time to time be prescribed by law; Provided, That said court shall have power to issue writs of injunction, mandamus, habeas corpus, quo-warranto, and such other remedial and original writs as may be necessary to give it general superintendence and control of inferior jurisdiction.

(3. The Supreme Court shall be held at the seat of government, but if that shall have become dangerous from an enemy, or from disease, it may adjourn to a different place.

(4. The State shall be divided by the General Assembly into convenient circuits, each of which shall contain not less than three nor more than eight counties; and for each circuit there shall be chosen a judge, who shall, after his election or appointment, reside in the circuit for which he shall have been chosen.

(5. The Circuit Court shall have original jurisdiction in all matters, civil and criminal, within the State, not otherwise excepted in the Constitution, but in civil cases only when the matter or sum in controversy exceeds fifty dollars; Provided, however, That the Circuit Court shall have equity jurisdiction concurrent with the Courts of Chancery in all cases for divorce, and cases in which the value of the matter in controversy does not exceed the sum of five thousand dollars.

(6. A Circuit Court shall be held in each county in the State at least twice in every year, and the judges of the several circuits may hold courts for each other when they deem it expedient, and shall do so when directed by law; Provided, That the judges of the several Circuit Courts shall have power to issue writs of injunction returnable into Courts of Chancery.

(7. The General Assembly shall have power to establish a Court or Courts of Chancery with original and appellate jurisdiction. The State shall be divided by the General Assembly into convenient Chancery Divisions, and the Divisions into Districts; and for each Division there shall be a Chacellor, who shall, after his election or appointment, reside in the Division for which he shall have been elected or appointed.

(8. A Chancery Court shall be held in each county at a place therein to be fixed by law, and the Chancellors may hold courts for each other, when they deem it expedient.

(9. The General Assembly shall have power to establish in each county within the State a Court of Probate, with general jurisdiction for the granting of letters testamentary and of administration, and for orphan(s) business(and the General Assembly may confer on the said courts jurisdiction of contracts for labor, and order frequent sessions for that purpose.

(10. The judges of the Supreme Court, Circuit Courts, and Courts of Chancery shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites, not hold any office (except judicial offices) of profit or trust under this State, or the United States, during the term for which they have been elected, nor under any other power during their continuance in office.

(11. Judges of Supreme Court, and Chancellors, Judges of the Circuit and Probate Courts, and of such other inferior courts as may be by law established, shall be elected by the qualified electors of the respective counties, cities, towns, or districts, for which said courts may be established, on the Tuesday after the first Monday in November of each year, or such other day as may be by law prescribed. Vacancies in the office of the Circuit Judge, Judge of Probate, or Judge of any other inferior court established by law, shall be filled by the Governor; and the person appointed by him shall hold office until the next election day appointed by law for election of Judge, and until his successor shall have been elected and qualified.

(12. The judges of the several courts of this State shall hold their office for the term of six years; and the right of any judge to hold his office for the full term hereby prescribed shall not be affected by any change hereafter made by law in any circuit or district, or in the mode or time of election; but for any wilful neglect of duty; or any other reasonable cause which shall not be a sufficient ground of impeachment, the Governor shall remove any judge on the address of two-thirds of each house of the General Assembly ; Provided, That the cause or causes for which said removal may be required, shall be stated at length in such address, and entered on the journals of each house ; And provided further, That the judge intended to be removed shall be notified of such cause or causes, and shall be admitted to a hearing in his own defense, before any vote for such address; and in all cases the

vote shall be taken by yeas and nays, and be entered on the journal of each house respectively.

(13. A competent number of justices and constables shall be elected in and for each county by the qualified electors thereof, who shall hold office during such terms as may be prescribed by law. Said justices shall have jurisdiction in all civil cases wherein the amount in controversy does not exceed one hundred dollars. In all cases tried before such justices the right of appeal shall be secured by law; Provided, That notaries public appointed according to law shall be authorized and required to exercise throughout their respective counties all the powers and jurisdiction of justices of the peace.

(14. The Judges of the Supreme Court shall, by virtue of their offices, be conservators of the peace throughout the State; as also the Judges of the Circuit Courts within their respective circuits; and the judges of the inferior courts within their respective counties.

(15. The Clerk of the Supreme Court shall be appointed by the Judges thereof; Registers in Chancery, by the Chancellors of the Divisions; and all the Clerks and Registers so appointed shall be removed by the appointing power, for cause to be placed on the records of the court.

(16. The Attorney General shall reside at the seat of government, and shall be the law officer of the State. During the session of the General Assembly he shall furnish to the committees of either house, when required, drafts of bills and written opinions upon any matter under consideration of the committees, and shall perform such other duties as may be required of him by law.

(17. A Solicitor shall be elected in each county in this State by the qualified electors of such county, who shall reside in the county for which he is elected., and perform such duties as may be required of him by law. He shall hold office for a term of four years, and in case of vacancy, such vacancy shall be filled by the Judge of the Circuit until his successor is elected and qualified.

(18. Clerks of the Circuit Court, and such inferior courts as may be by law established, shall be elected by the qualified electors in each county, for the term of six years, and may be removed from office for cause, and in such manner as may be removed from office for cause ; and in such manner as may be by law prescribed. Vacancies in the office of Clerk shall be filled by the Judge of the Court, until the next general election, and until a successor shall be elected and qualified : Provided, That the General Assembly shall have power

to annex the duties of Clerk to the office of Judge of any of the inferior courts by law established.

(19. The style of all processes shall be (The State of Alabama,(and all prosecutions shall be carried on in the name and by the authority of the State of Alabama, and shall conclude (against the peace and dignity of the same.(

ARTICLE VII

ELECTIONS

(1. In all elections by the people, the electors shall vote by ballot.

(2. Every male person, born in the United States, and every male person who had been naturalized, or who has legally declared his intention to become a citizen of the United States, twenty-one years old or upward, who shall have resided in this State six months next preceding the election, and three months in the county in which he offers to vote, except as hereinafter provided, shall be deemed an elector ; Provided, That no soldier, or sailor, or marine in the military or naval service of the United States, shall hereafter acquire a residence by reason of being stationed on duty in this State.

(3. It shall be the duty of the General Assembly to provide, from time to time, for the registration of all electors; but the following classes of persons shall not be permitted to register, vote or hold office; 1st. Those who, during the late rebellion, inflicted, or caused to be inflicted, any cruel or unusual punishment upon any soldier, sailor, marine, employee or citizen of the United States, or who, in any other way, violated the rules of civilized warfare. 2d. Those who may be disqualified from holding office by the proposed amendment to the Constitution of the United States, known as (Article XIV,(and those who have been disqualified from registering to vote for delegates to the Convention to frame a Constitution for the State of Alabama, under the act of Congress (to provide for the more efficient government of the rebel States,(passed by Congress, March 2, 1867, and the act supplementary thereto, except such persons as aided in the reconstruction proposed by Congress, and accept the political equality of all men before the law ; Provided, That the General Assembly shall have power to remove the disabilities incurred under this clause. 3d. Those who shall have been convicted of treason embezzlement of public funds, malfeasance in office,

crime punishable by law with imprisonment in the penitentiary, or bribery. 4th. Those who are idiots or insane.

(4. All persons, before registering, must take and subscribe the following oath: I((((((, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of Alabama; that I am not excluded from registering by any of the clauses in Sec. 3., Article VII, of the Constitution of the State of Alabama; that I will never countenance or aid in the secession of this State from the United States; that I accept the civil and political equality of all men; and agree not to attempt to deprive any person or persons, on account of race, color, or previous condition, of any political or civil right; privilege, or immunity, enjoyed by any other class of men; and furthermore, that I will not in any way injure, or countenance in others any attempt to injure, any person or persons, on account of past or present support of the government of the United States, the laws of the United States, or the principle of the political and civil equality of all men, or for affiliation with any political party.

(5. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest and civil process during their attendance at elections, and in going to and returning from the same.

(6. It shall be the duty of the General Assembly to enact adequate laws giving protection against the evils arising from the use of intoxicating liquors at elections.

(7. Returns of elections for all civil officers elected by the people, who are to be commissioned by the Governor, and also for the members of the General Assembly, shall be made to the Secretary of State.

ARTICLE VIII.

REPRESENTATION.

(1. The House of Representatives shall consist of not more than one hundred members, who shall be apportioned by the General Assembly among the several counties of the State, according to the number of inhabitants in them respectively; and to this end the General Assembly shall cause an enumeration of all the inhabitants of the State to be made in the year 1875; and every ten years thereafter, and shall make an apportionment of the representatives among the several counties at the first regular session after each enumeration ; which ap-

portionment, when made, shall not be subject to alteration until after the next census shall have been taken; Provided, That each county shall be entitled to at least one representative; And provided, further, That when two or more adjoining counties shall each have a residuum, or fraction over and above the ration then fixed by law, which fractions, when added together, equal, or exceed that ratio, in that case the county having the largest fraction shall be entitled to one additional representative.

(2. Until the General Assembly, shall make an apportionment of the representatives among the several counties, after the first enumeration made as herein provided, the counties of Autauga, Baldwin, Bibb, Blount, Butler, Calhoun, Clay, Clarke, Cherokee, Cleburne, Crenshaw, Choctaw, Coffee, Conecuh, Coosa, Covington, Dale, DeKalb, Elmore, Fayette, Henry, Jefferson, Lauderdale, Limestone, Marshall, Marion, Monroe, Morgan, Pike, Randolph, St. Clair, Shelby, Walker, Washington, and Winston, shall have one representative each; the counties of Chambers, Franklin, Greene, Hale, Jackson, Lee, Lawrence, Macon, Pickens, Russell, Talladega, Talapoosa, and Tuskaloosa, shall be entitled to two representatives each; the counties of Barbour, Bullock, Lowndes, Madison, Marengo, Perry, Sumter, and Wilcox, shall be entitled to three representatives each; the counties of Dallas Mobile, and Montgomery, shall be entitled to five representatives each; Provided, That in the formation of new counties the General Assembly may apportion to each its proper representation.

(3. The whole number of Senators shall be not less than one-fourth or more than one-third of the whole number of representatives; and it shall be the duty of the General Assembly, at its first session after the making of each enumeration, as provided by section first. of this article, to fix by law the number of Senators, and to divide the State into as many senatorial districts as there are Senators, which districts shall be as nearly equal to each other as may be in the number of inhabitants, and each shall be entitled one Senator, and no more : Provided, That no county shall be divided, and no two or more counties, which are separated entirely by a country belonging to another district, shall be joined in one district ; And provided, further, That the senatorial districts, when formed, shall not be changed until after the next enumeration shall have been taken.

(4. At the first general election after each new apportionment, elections shall be held anew in all the senatorial dis-

tricts. The Senators elected when convened at the next ensuing session of the General Assembly, shall be divided by lot into two classes, as nearly equal as may be; the seats of the senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years, from the day of election, so that (except as above provided,) one-half of the senators may be chosen biennially.

(5. Until the General Assembly shall divide the State into senatorial districts as herein provided, the senatorial districts shall remain as follows; 1st District, Limestone and Lauderdale; 2d, Franklin and Lawrence; 3d. Morgan, Blount, Winston and Marion; 4th Madison; 5th, Jackson Marshall and DeKalb; 6th, Cherokee and Calhoun; 7th, Walker Jefferson and St. Clair; 8th, Shelby and Bibb; 9th, Tuskaloosa and Fayette; 10th, Talladega and Clay; 11th Chambers, Randolph and Cleburne; 12th Coosa and Tallapoosa; 13th, Lee, 14th, Macon; 15th, Russell; 16th, Bullock; 17th, Barbour; 18th, Autauga and Elmore; 19th, Montgomery; 20th, Lowndes; 21st, Dallas; 22d, Perry, 23d, Hale; 24th Greene and Pickens; 25th, Sumter; 26th, Marengo; 27th, Choctaw, Clark and Washington; 28th Mobile; 29th Monroe and Baldwin; 30th, Wilcox; 31st, Butler and Connecuh; 32d, Covington, Crenshaw and Pike; 33d, Coffee, Dale and Henry.

(6. Until a new apportionment of representatives of the Congress of the United States shall have been made, the Congressional Districts shall remain as stated in the Revised Code of Alabama, and after each new apportionment, the General Assembly shall divide the State into as many districts as it is allowed representatives in Congress, making such Congressional Districts as nearly equal in the number of inhabitants as may be.

ARTICLE IX.

TAXATION.

(1. All taxes levied on property in this State, shall be assessed in exact proportion to the value of such property: Provided, however, That the General Assembly may levy a poll tax not to exceed one dollar and fifty cents on each poll, which shall be applied exclusively in aid of the public school fund.

(2. No power to levy taxes shall be delegated to individuals or private corporations.

ARTICLE X.

MILITIA.

(1. All ablebodied male inhabitants of this State, between the ages of eighteen years and fortyfive years, who are citizens of tile United States, or who have declared their intention to be come citizens of the United States, shall be liable to military duty in the militia of this State; but all citizens of any de nomination whatever, who, from scruples of conscience, may be averse to bearing arms, shall be exempt therefrom upon such conditions as may be prescribed by law.

(2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for pay ing the same, when called into active service, in such manner as it shall deem expedient, not incompatible with the laws of the United States.

(3. Officers of the militia shall be elected or appointed and commissioned in such manner as may be provided by the General Assembly.

(4. The Governor shall be commanderinchief of the army and navy of this State, and of the militia, except when called into the service of the United States, and shall have power to call forth the militia to execute the laws, to suppress riots, or insurrections, and to repel invasion.

(5. The Governor shall nominate, and by and with the con sent of the Senate, appoint one MajorGeneral and three BrigadierGenerals : The AdjutantGeneral, and other staff officers to the commander-in-chief, shall be appointed by the Governor, and their commissions shall expire with the Gov- ernor(s term of service. No commissioned officer shall be re- moved from office, except by the Senate, on the recommenda- tion of the Governor, stating the grounds on which such re- moval is recommended, or by the decision of a court-martial pursuant to law.

(6. The militia may be divided into two classes, to be de- signated as volunteer militia(and reserve militia,(in such manner as shall be provided by law.

(7. The militia shall, in all cases, except felony, treason, or breach of the peace, be privileged from arrest during their at- tendance at musters and elections of officers, and in going to and returning from the same.

(8. The officers and men commissioned and organized, shall not be entitled to, or receive any pay, rations, or emoluments when not in active service.

ARTICLE XI.

EDUCATION.

(1. The common schools, and other educational institutions of the State, shall be under the management of a Board of Education, consisting of a Superintendent of Public Instruction and two members from each Congressional District.

The Governor of the State shall be ex-officio a member of the Board, but shall have no vote in its proceedings.

(2. The Superintendent of Public Instruction shall be President of the Board of Education, and have the casting vote in case of a tie; he shall have the supervision of the public schools of the State, and perform such other duties as may be imposed upon him by the Board and the laws of the State. He shall be elected in the same manner and for the same term as the Governor of the State, and receive such salary as may be fixed by law. An office shall be assigned him in the capitol of the State.

(3. The members of the Board shall hold office for a term of four years, and until their successors shall be elected and qualified. After the first election under the Constitution, the Board shall be divided into two equal classes, so that each class shall consist of one member from each District. The seats of the first class shall be vacated at the expiration of two years from the day of election, so that one-half may be chosen biennially.

(4. The members of the Board of Education, except the Superintendent, shall be elected by the qualified electors of the Congressional Districts in which they are chosen, at the same time and in the same manner as the members of Congress.

(5. The Board of Education shall exercise full legislative powers in reference to the public educational institutions of the State, and its acts, when approved by the Governor, or when re-enacted by two-thirds of the Board, in case of his disapproval, shall have the force and effect of law, unless repealed by the General Assembly.

(6. It shall be the duty of the Board to establish, throughout the State, in each township, or other school district which it may have created, one or more schools at which all the children of the State, between the ages of five and twenty-one years, may attend free of charge.

(7. No rule or law affecting the general interest of education shall be made by the Board without the concurrence of a ma-

jority of its members. The style of all acts of the Board shall be, (Be it enacted by the Board of Education of the State of Alabama,(

(8. The Board of Education shall be a body politic and corporate, by the name and style of the Board of Education of the State of Alabama. Said Board shall also be a Board of Regents of the State University, and when sitting as a Board of Regents of the University, shall have power to appoint the President and the Faculties thereof.

The President of the University shall be ex officio a member of the Board of Regents, but shall have no vote in its proceedings.

(9. The Board of Education shall meet annually at the seat of government at the same time as the General Assembly, but no session shall continue longer than twenty days, nor shall more than one session be held in the same year, unless authorized by the Governor. The members shall receive the same mileage and daily pay as the members of the General Assembly.

(10. The proceeds of all lands that have been or may be granted by the United States to the State for educational purposes ; of the swamp lands ; and to all lands or other property given by individuals or appropriated by the State for like purposes; and of all estates of deceased persons who have died without leaving a will or heir; and all moneys which may be paid as an equivalent for exemption from military duty, shall be and remain a perpetual fund, which may be increased but not diminished, and the interest and income which, together with the rents of all such lands as may remain unsold, and such other means, as the General Assembly may provide, shall be inviolably appropriated to educational purposes, and to no other purpose whatever.

(11. In addition to the amount accruing from the above sources, one-fifth of the aggregate annual revenue of the State shall be devoted exclusively to the maintenance of public schools.

(12. The General Assembly may give power to the authorities of the school districts to levy a poll tax on the inhabitants of the district in aid of the general school fund, and for no other purpose.

(13. The General Assembly shall levy a specific annual tax upon all railroad, navigation, banking, and insurance corporations, and upon all insurance and foreign bank and exchange agencies, and upon the profits of foreign bank bills issued in this State, by any corporation, partnership, or per-

sons, which shall be exclusively devoted to the maintenance of public schools.

(14. The General Assembly shall, as soon as practicable, provide for the establishment of an Agricultural College, and shall appropriate the two hundred and forty thousand acres of land donated to this State for the support of such a college, by the act of Congress, passed July 2, 1862, or the money or scrip, as the case may be, arising from the sale of said land, or any lands which may hereafter be granted, or appropriated for such purpose, for the support and maintenance of such college or schools, and may make the same a branch of the University of Alabama for instruction in agriculture, in the mechanic arts, and the natural sciences connected therewith and the place the same under the supervision of the Regents of the University.

ARTICLE XII.

INDUSTRIAL RESOURCES.

(1. A Bureau of Industrial Resources shall be established to be under the management of a Commissioner, who shall be elected at the first general election, and shall hold his office for the term of four years.

(2. The Commissioner of Industrial Resources shall collect and condense statistical information concerning the productive industries of the State, and shall make, or cause to be made, a careful, accurate and thorough report upon the agriculture and geology of the State, and annually report such additions as the progress of scientific development and extended explorations may require. He shall, from time to time, disseminate among the people of the State such knowledge as he may deem important, concerning improved machinery and producing, and mining interests; and shall send out to the people of the United States and foreign countries, such reports concerning the industrial resources of Alabama, as may best make known the advantages offered by the State to emigrants; and shall perform such other duties as the General Assembly may require.

(3. It shall be the duty of the General Assembly, at the first session after the adoption of the Constitution, to pass such laws and regulations as may be necessary for the government

and protection of his bureau, and also to fix and provide for the compensation of the commissioner.

(4. This bureau shall be located, and the commissioner shall reside at the capital of the State, and he shall annually make a written or printed reports to the Governor of the State, to be laid before the General Assembly at each session.

(5. In case of death, removal or resignation of the commissioner, the Governor, with the approval of the Senate, shall have power to appoint a commissioner for the unexpired term.

ARTICLE XIII.

CORPORATIONS.

(1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes. All general laws and special acts passed pursuant to this section, may be altered, amended or repealed.

(2. Dues from corporations shall be secured by such individual liabilities of the corporators or other means as may be prescribed by law.

(3. Each stockholder in any corporation shall be liable to the amount of stock held or owned by him.

(4. The property of corporations now existing, or hereafter created, shall forever be subject to taxation, the same as property of individuals, except corporations for educational and charitable purposes.

(5. No right of way shall be appropriated to the use of any corporation, until full compensation therefor be first made in money or secured by a deposit of money to the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury or twelve men, in a court of record, as shall be prescribed by law.

(6. The General Assembly shall not have power to establish or incorporate any bank or banking company, or monied institution, for the purpose of issuing bills or credit or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

(7. No bank shall be established , otherwise than under a general banking law, as provided in the first section of this article.

(8. The General Assembly may enact a general banking law, which law shall provide for the registry and counter-signing by the Governor of the State, of all paper credit designed to be created as money ; and ample collateral security, convertible into specie, or the redemption of the same in gold or silver, shall be required, and such collateral security shall be under the control of such officer or officers as may be prescribed by law.

(9. All bills or notes issued as money, shall be, at all times redeemable in gold or silver, and no law shall be passed, sanctioning, directly or indirectly, the suspension, by any bank or banking company, of specie payment.

(10. Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all creditors.

(11. Every bank or banking company shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter close its business.

(12. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law or individuals for lending money.

(13. The State shall not be a stockholder in any bank, nor shall the credit of the State ever be given or lent to any banking company, association or corporation, except for the purpose of expediting the construction of railroads, or works of internal improvement, within this State, and the credit of the State shall, in no case, be given or lent without the approval of two-thirds of both houses of the General Assembly.

(15. All corporations shall have the right to sue and shall be subject to be shed, in all courts, in like cases as natural persons.

(16. It shall be the duty of the General Assembly to provide for the organization of cities, and incorporated towns, and to restrict their power of taxation, assessment and contracting of debt.

ARTICLE XIV.

EXEMPTED PROPERTY.

(1. The personal property of any resident of this State to the value of one thousand dollars, to be selected by such resident, shall be exempted from sale on execution, or other final

process of any court, issued for the collection of any debt contracted after the adoption of this Constitution.

(2. Every homestead, not exceeding eighty acres of land, and the dwelling appurtenances thereon, to be selected by the owner thereof, and not in any town, city, or village, or in lieu thereof, at the option of the owner, any lot in the city, town or village, with the dwelling and appurtenances thereon, owned and occupied by any resident of this State, and not exceeding the value of two thousand dollars, shall be exempted from sale, on execution, or any other final process from a court, from any debt contracted after the adoption of this Constitution. Such exemption, however, shall not extend to any mortgage lawfully obtained, but such mortgage or other alienation of such homestead, by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife of the same.

(3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debts contracted after the adoption of this Constitution, in all cases, during the minority of the children.

(4. The provisions of sections one and two of this article shall not be so construed as to prevent a laborer(s) lien for work done and performed for the person claiming such exemption, or a mechanic(s) lien for work done on the premises.

(5 . If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt, and the rents and profits thereof shall inure to her benefit.

(6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may afterwards be entitled by gift, grant, inheritance, devise, shall be and remain the separate estate and property of such female, and shall not be liable for any debts, obligations, and engagements of her husband, and may be devised or bequeathed by her, the same as if she were a femme sole.

ARTICLE OF XV

OATH OF OFFICE.

(1. All civil officers of this State, Legislative, Executive and Judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath;

(I,_____, do solemnly swear (or affirm) that I am not disfranchised by the Constitution of Alabama, or by the Constitution or laws of the United States; that I will honestly and faithfully support and defend the Constitution and laws of the United States, the union of the States, and the Constitution and laws of the State of Alabama, so long as I remain a citizen thereof; and that I will honestly and faithfully discharge the duties of the office upon which I am about to enter to the best of my ability. So help me God.)

ARTICLE XVI.

AMENDMENTS TO THE CONSTITUTION

(1. The General Assembly, whenever two-thirds of each house shall deem it necessary, may propose amendments to this Constitution, which proposed amendments shall be duly published in print at least three months before the next general election of representatives, for the consideration of the people; and it shall be the duty of the several returning officers at the next general election which shall be held for representatives, to open a poll for, and make a return to the Secretary of State for the time being, of the names of all those voting for representatives who have voted on such proposed amendments, and if thereupon it shall appear that a majority of all citizens of the State voting for representatives have voted in favor of such proposed amendments, and two thirds of each house of the next General Assembly shall, after such an election, and before another, ratify the same amendments, by yeas and nays, they shall be valid to all intents and purposes, as part of the Constitution ; Provided, That the said proposed amendments shall, at each of the said sessions, have been read three times on three several days in each house.

After the expiration of three months from the adoption of this Constitution, no Convention of this State, unless the question of Convention or no Convention shall be first sub-

mitted to a vote of all the electors, twentyone years of age and upwards, and approved by a majority of the electors voting at said election.

E. W. PECK, President.

ROBERT BARBER, Secretary.

A. J. APPLEGATE,	THOMAS ADAMS,
W. A. AUSTIN,	B. ALEXANDER,
J. H. AUTREY,	D. H. BINGHAM
W. T. BLACKFORD,	A. BINGHAM,
M. D. BRAINARD	SAM BLANDON,
W. M. BUCKLEY,	A. E. BUCK,
J. H. BURDICK,	C. W. BUCKLEY,
J. CARRAWAY,	P. BURTON,
J. COLLINS,	D. E. COON,
J. H. DAVIS,	THOMAS DIGGS,
G. J. DYKES,	GEORGE ELY,
P. FINDLEY,	S. S. GARDNER
W. C. GARRISON,	O. GREGORY,
J. K. GREENE	A. GRIFFIN,
J. M. HATCHER,	T. HAUGHEY,
C. HAYES,	B. INGE,
W. JOHNSON,	A. W. JONES,
C. JONES,	J. C. KEFFER,
F. KENNAMER,	TOM LEE,
D. LORE,	H. MCGOWN,
J. MAHAN,	J. W. McLEOD
B. O. MASTERSON,	J. J. MARTIN,
S. MOORE	C. A. MILLER,
J. F. MORTON,	A. L. MORGAN,
T. M. PETERS,	B. W. NORRIS .
H. C. RUSSELL,	J. T. RAPIER,
J. SILSBY,	B: F. SAFFOLD',
L. R. SMITH,	W.M. SKINNER
H. J. SPRINGFIELD,	C.L. STEED
J. P. STOW;	L. B. STRANGE,
W. A. WALKER,	C.O. WHITNEY
J. R. WALKER	J.W. WILHITE
J. A. YORDY	R.M. REYNOLDS
N.D. STANWOOD	G.P. PLOWMAN

ACTS
OF THE
SESSION OF 1873,
OF THE
GENERAL ASSEMBLY OF ALABAMA
AND OF THE
BOARD OF EDUCATION

HELD IN THE

CITY OF MONTGOMERY
COMMENCING NOVEMBER 17TH, 1873.

David P. Lewis, Governor
Alex McKinstry, Lieutenant Governor and President of the Senate
Lewis E. Parsons, Speaker House of Representatives.

MONTGOMERY ALA:
ARTHUR BINGHAM, STATE PRINTER,
1874.

LAWS
OF THE
STATE OF ALABAMA

No. 1.] AN ACT

To secure a more thorough assessment of the real
property of the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of each county, shall, at their first session after the passage of this act, provide for a plat of the county, unless one has been heretofore supplied, showing by section, township and range, all the land in their county; the sections shall be numbered with the numbers given in the United States Surveys, and such sections or parts of sections as belong to the United States shall be designated.

Commissioner(s Court
to procure a plat

SEC. 2. Be it further enacted, That in making out a list of lands as required by section 38 of an act entitled an act to establish revenue laws for the State of Alabama, and approved December 31, 1868, and in addition to the duties therein imposed, the assessor shall perform the following, to-wit; first, the number of acres subject to taxation in each section of land shall be extended in figures ; second, any subdivision of such section which belongs to the United States, or that may be otherwise exempt from taxation, shall be placed in a separate column and properly designated and the whole number of acres in each section, thus exempt from taxation shall be extended ; third, The number of acres in each section subject to taxation, shall be added to

Additional duties
of Tax Assessor

 the number of acres in such section not subject to taxation, and the total number of acres extended in figures to a separate column.

SEC. 3. Be it further enacted, That the assessor in performing the duties under the preceding section shall not report any lands as belonging to the United States, unless they are so designated by the plat of the county; nor shall any lands be reported otherwise exempt from taxation, without he can show some law justifying the exemption.

SEC. 4. Be it further enacted, That the court of county commissioners of the several counties in this State, shall, at their August term in each year, after all other business shall have been finished, proceed, with the assistance of the assessor, to carefully examine the list of lands provided for in section 2 of this act, and see that all the sections of lands in the county, together with the whole number of acres in each of such sections, are accounted for by said list, and that no lands are reported as exempt from taxation, without the same is authorized by section three of this act. If any error in the list should be discovered, the commissioners shall immediately notify the assessor of the same, who, thereupon, shall forthwith make all needful corrections.

SEC. 5. Be it further enacted, If, in the performance of the duties demanded by the preceding section, should require more than one day, the probate judge, and one commissioner aided by the assessor, shall be competent to continue such examination and revision.

SEC. 6. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this bill, be, and the same are, hereby repealed.

Approved, December 17, 1873.

No. 2.] AN ACT

Relating to the term of office of the several tax collectors in this State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the several tax collectors in

this State who shall be elected on the first Tuesday after the first Monday in November, A. D. 1874, and every three years thereafter shall severally enter upon the discharge of their official duties on the second Monday in April next succeeding in their election.

SEC. 2. Be it further enacted, That the term of office of the several tax collectors of this State now in office shall continue until the second Monday in April, 1875 ; Provided, That such tax collectors shall execute bonds with sufficient securities in the form now prescribed by law for the faithful discharge of their duties as such during their respective terms of office as hereby extended, and that all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved, December 17, 1873.

No. 3.] AN ACT

To prevent tax collectors and all others engaged in collecting the revenues of the State, from buying, selling, or otherwise trading in State warrants or State certificates or other securities of the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That thirty days from and after the passage of this act, it shall be unlawful for any tax collector or deputy tax collector of any of the counties of this State, or any Probate Judges in any of the counties of this State, or any other person whose duty it is by law to collect any of the revenue of this State, to buy, sell or otherwise trade in State warrants, certificates or other securities of the State.

SEC. 2. Be it further enacted, That each of the tax collectors of the several counties of this State shall provide themselves with a receipt book known, as a stub receipt book, in which he shall enter on the stub the name of the tax payer, the amount of the taxes paid, whether in State warrants, State certificates, United States currency, gold, or silver, or what part of each may have been paid, and the receipt given the tax payer shall correspond in num-

Term of Collectors elected
in 1874 and afterwards

Term of present
Collectors extended

Bonds to be executed

Unlawful for Collectors,
&c, to trade in warrants,
State certificates, &c.

Stub books to be provided
by Collectors

 ber and description with said stub or duplicate and shall be an exact copy of the same, which said receipt book, when said tax collector shall have completed his collections and made his settlements, shall be filed in the office of the Probate Judge of his county as a record of said court for the inspection of the public, and shall be used as evidence in all the courts of this State as other records in any prosecution against any one of the tax collectors of this State or their deputies or other officers whose duty it is to collect the taxes, said stub or receipt book to be furnished and paid for by the counties as other stationery is furnished and paid for.

SEC. 3. Be it further enacted, That the several Tax Collectors tax collectors be and they are hereby required to settle month settle at the end of each month of within five days ly with County thereafter with the county treasurer of their county, Treasurer and shall at the time of such settlements make out and file with the Probate Judge of each county a statement in writing setting forth in the aggregate the amount of taxes collected by him during the past month, and how much of it was in United

States currency and how much in State warrants, how much in State certificates, and how much in gold or silver or other circulating medium recognized by the State, which said statement shall be in duplicate, one to be filed in the office of the Probate Judge, the other to be by said judge forwarded to the State Auditor of public accounts and by him filed in his office, and that each of said statements or reports he shall be sworn to before any officer authorized by law to administer oaths in this State, and in addition to the affirmation of the correctness of said reports he shall make oath that the same is the identical moneys, warrants or certificates received for taxes, and that he has in no instance exchanged one for the other, except hereinafter provided. Proviso vided, that nothing in this act shall be construed so as to repeal, modify, or affect in anywise whatever, an act entitled an act to keep in each county of this State, a proportionate share of the public school money, approved April nineteenth, one thousand eight hundred and seventy-three, and the same is hereby declared to remain in full force and power.

SEC. 4. Be it further enacted, That the provisions

of this act shall not be so construed as to prevent tax collectors from making charge when the tax payer shall present a bill larger than the amount of his taxes; Provided, that the tax collector shall return the change in the same kind of funds as that presented by tax collectors, when tax payers shall pay their tax in State warrants, State certificates, or other obligations of the State, to return the excess of the amount presented over their taxes in the United States currency.

SEC. 5. Be it further enacted, That the county treasurer of each county shall make out and give to the probate judge of each county a certified statement of the amount of taxes they have collected on account of licenses, which statement shall set forth what part was collected in United States currency, what part in State certificates, what part in specie, and what part in State warrants or other obligations of the State.

Said statement shall be in duplicate, one of which shall be filed in the office of the probate judge, and the other by said judge forwarded to the Auditor of the State to be filed in his office, and the county treasurer is hereby required to pay in the exact funds received, except what has passed out of their hands in making exchange as provided for in the preceding section of this act.

SEC. 6. Be it further enacted, That it shall be the duty of the tax collectors of the different counties of this State to require the tax payers to endorse upon the back of the warrants received by them in payment of State tax of each person paid with said warrants.

SEC. 7. Be it further enacted, That it shall be the duty of the Auditor of the State to keep a book in which he shall make an entry of the amount of taxes received from each county and from whom received and it shall be so itemized as to show the the exact amount of which was in warrants, certificates, currency and specie, and it shall also be the duty of the Auditor to embrace in his annual report entries made in said book, which said report must

Tax Collectors
not prevented
from making change

County Treasurer
to make out a
certified statement.

Statement to be
in duplicate

County treasurers
to pay in the
exact fund received

Tax payers to make
a certain endorsement
on warrants

Auditor to keep a
certain book

be made within ten days after the convening of the legislature.

SEC. 8. Be it further enacted, That any person or Penalty for vio- persons violating any of the provisions of this act lation shall be guilty of a felony and upon conviction shall be confined in the penitentiary of the State for not less than one year nor for more than five years, and in addition thereto shall be fined not less than fifty dollars, nor more than one thousand dollars, one or both, at the discretion of the court trying the same. The solicitor shall have a fee for the conviction of any person of a violation of any of the provisions of this act of twenty-five dollars, to be paid as solicitors fees are now paid in other cases.

SEC. 9. Be it further enacted, That the Auditor Auditor to furn- be required to furnish each tax collector with a ish copy of this printed copy of this act.
act Approved, Dec. 17. 1873.

No. 4.] AN ACT

To provide for the redemption of lands sold for taxes, and purchased by the State.

SECTION 1. Be it further enacted by the General Assembly of Alabama, That in all cases where lands have been sold for taxes and purchased by the State since Two years more the 20th of September, 1865, the persons to whom allowed for re such lands belong shall be allowed to redeem the demption same at any time within two years from the passage and approval of this act by complying with the laws now in force in regard to the redemption of lands sold for taxes and purchased by the State.
Approved, December 17, 1873.

No. 5. AN ACT

To provide for the funding of the Domestic debt of this State.

SECTION 1. Be it further enacted by the General Assembly of Alabama, That the Governor of the State

41
1873
be, and he is hereby authorized to cause to be prepared and issued the obligations of the State, to an amount not exceeding in the aggregate one million of dollars. Said obligations may be issued for sums of \$10, \$20, \$50 and \$100, as may be found most convenient for the purposes herein expressed. They shall be numbered and registered in a proper book to be kept by the Auditor in his office. They shall, before being issued by the Auditor, as hereinafter directed, be, by him, made payable to the person to whom issued or bearer; and may thereafter be negotiated and passed by delivery. They shall be made payable at the treasury of the State, in ten years after date, or sooner at the pleasure of the State. They shall be signed by the Governor and countersigned by the Auditor. They shall bear interest at the rate of eight per centum per annum, payable semi-annually, and be free from all taxation, whether for State, county or municipal purposes. They shall be printed or engraved on suitable paper, and with appropriate devices, as may be directed by the Governor. These obligations shall be receivable at their par value when offered, for all dues, taxes and imposts assessed or levied for the use of the State, and for all fines and forfeitures assessed against the defendants, in any of the courts of this Stat, and tax collectors and others whose duty it is to receive said obligations in payment of taxes shall not count interest on said obligations beyond the time said taxes are due in that year.

SEC. 2. Be it further enacted, That all warrants or orders by the Auditor upon the Treasurer of the State, issued upon the authority of any law of this State, and outstanding and unpaid on the first day of January, 1874, may be exchanged for the obligations of the State, authorized by the first section of this act. All certificates for the payment of money heretofore issued by the State under the laws thereof, and outstanding on the first day of January, 1874, may also be exchanged for the obligations of the State herein provided for. Such exchange shall be made dollar for dollar; that is to say, for the sum expressed on warrants or certificates exchanged, the holder shall receive an equivalent amount expressed as the principal sum in these obligations;

Governor authorised to
issue obligations of
the State.

Denomination

Duty of Auditor

Where payable

How signed

Rate of interest

For what receivable

What may be exchanged
for the obligations

How such exchange to
be made

Provided, the exchange be made within thirty days of the date of the notice hereinafter required to be given by proclamation of the Governor. If the exchange of any warrant or certificate be made at a time later than said thirty days, said obligation to interest issued therefor shall bear interest only from the date of the exchange, which date shall be stamped or written on the face of said obligation. The said obligations shall be so prepared that the semi-annual interest on the whole of them shall be payable on the same day.

SEC. 3. Be it further enacted, That the Auditor of the State shall receive from the Governor all the obligations herein authorized, as soon as they are prepared and ready for use as herein directed, and shall execute in writing his receipt to the Governor for the documents so received by him, specifying therein by numbers and amount all and every of the same so delivered to him. This receipt shall be executed in duplicate; one of said duplicates shall be filed in the office of the Treasurer, to be carefully preserved by them among the records of their respective offices.

SEC. 4. Be it further enacted, That the Auditor shall keep a record of the warrants and certificates received by him under this act, and shall promptly pay into the treasury all moneys received by him under the terms of this act, taking receipts therefor from the Treasurer in the book in which said warrants and certificates are hereby required to be recorded. Said Auditor shall, at every period of succeeding thirty days after receipt by him from the Governor of the obligations herein authorized as provided in the third section of this act, deliver to the Treasurer all warrants and certificates received and exchanged by him for obligations under this act; and shall take from the Treasurer duplicate receipts therefor, describing the warrants and certificates so delivered to him; one of these receipts shall be written in the book containing the record of the warrants and certificates herein before required to be kept. But before delivering to said Treasurer said warrants and certificates, said Auditor shall cause each of them to be cancelled, by cutting them through

their face in the form of a cross. Said Auditor shall, within five days after every delivery to the Treasurer above required, make report to the Governor, in writing, specifying in particular the warrants and certificates by him delivered, and the money by him paid to the Treasurer, as required by this act ; and shall at the same time deliver to the Governor, for preservation in his office, the duplicate receipt herein required to be taken from the Treasurer. The Auditor shall, in his annual report, make a full statement and exhibit of all that he may have done under the provisions of this act.

SEC. 5. Be it further enacted, That the Treasurer shall make and keep in his office a full record of all warrants, certificates and money by him, received from the Auditor under this act; and shall, within five days after receiving such warrants, certificates or money from the Auditor under this act, make full and particular report thereof in writing to the Governor, for safe keeping and preservation in his office. And it shall be the duty of the Governor, at the time he communicates his annual message to the next General Assembly, with it to furnish a condensed statement of the reports received by him from the Auditor and Treasurer, as required by this act. And it is hereby declared, that the record and registries required by this act to be kept by said Auditor and Treasurer, shall always be open to inspection and verification by the Governor, and by any officer or agent by him appointed for that purpose.

SEC. 6. Be it further enacted, That the Auditor is hereby authorized, upon the application of any person, to exchange for currency of the United States, such of said obligations herein authorized as may remain in his hands unexchanged, for warrants upon the treasury, and for State certificates of indebtedness, after the expiration of six months from the proclamation of the Governor herein authorized; and said Auditor shall pay all such currency as he may receive hereunder to the Treasurer, subject to the same conditions, directions and duties, as are declared in section 4 of this act.

SEC. 7. Be it further enacted, That when the obligations herein provided for are placed in the hands of the Auditor ready for exchange, as herein di-

State Treasurer
to keep a record

Duty of Governor
to furnish a
condensed statement

Auditor and
duty of Auditor in
exchanging for
currency of the
United States.

rected, the Governor shall, by proclamation published for the space of one week, in some newspaper published in each of the cities of Mobile, Montgomery, Huntsville, and Tuskaloosa, notify the citizens of the State that such as desire to avail themselves of the terms of this act may do so, and effect the exchange of treasury warrants and State certificates held by them for the interest-bearing obligations of the State as herein provided.

SEC. 8. Be it further enacted, That the obligations authorized by the first section of this act shall Relative to the not be prepared with coupons attached, but on their interest on the face shall declare that interest thereon will be paid obligations semi-annually ; and it shall be the duty of the Governor to arrange for payment of such interest at the times appointed, with some bank or banking house in the cities of Mobile, Montgomery, Huntsville, Selma, Tuskaloosa, Eufaula, Talladega, Birmingham and Opelika. If said obligations are not presented for payment of interest within fifteen days of the time fixed for payment thereof, the instalment of interest then due shall be postponed to the time fixed for the next semi-annual payment of interest, and the money provided for such interest shall be returned to the treasury. Each payment of interest, on said obligations shall be certified by proper receipts and by endorsement thereof on such obligations, by the officer or agent paying the same, in writing, or by impression in print, by stamp of such device as the Governor shall direct and provide; and in all cases when such obligations are delivered from the treasury, the date from which interest is to run shall be plainly stated in writing or by stamp on the face of said obligation, and the Treasurer shall keep a record, by their numbers and the amount severally expressed therein, of all such obligations so delivered from the treasury.

SEC. 9. Be it further enacted, That from and after Tax Collector the first day of January, 1874, it shall not be prohibited after lawful for any tax collector of this State, nor for 1st January any person who by law is authorized to collect and 1874, from receive any part of the State revenue, to receive in receiving State payment of the taxes, or for licenses, or any of the warrants public dues, with whose collection he is by law charged, any warrant or warrants of the Auditor on

the Treasurer, or any order on the Treasurer whatever ; and from and after said date, it shall not be lawful for the Treasurer of the State to receive from any person, in settlement of any debt due the State, or of any claim of any kind, which the State may have against such person, or any other person whatever, any warrant or order on the Treasurer, which shall be issued on or after said date.

SEC. 10. Be it further enacted, That in all payments to the Treasurer by collectors of taxes, and by any and all persons authorized by law to collect and receive any part of the State revenue after the said first day of January, 1874, of moneys ascertained to be due to the State from them, or any of them, the Treasurer shall require of each such person an affidavit in writing, made and sworn to before some officer authorized to administer oaths, that such warrant or warrants, order or orders, on the Treasurer, as may be by him tendered in payment of the debt, demand, claim or account he proposes to pay, were paid to and received by him, in good faith, in payment of taxes or public dues, from the person liable for such taxes or public dues, on a day prior to said first day of January, 1874, and if such affidavit be not made, the Treasurer shall not receive the warrant or warrants, order or orders so tendered to him in payment.

SEC. 11. Be it further enacted, That from and after ten days after the approval by the Governor of this act, all persons who pay their taxes, licenses, or any public dues, which by law they are liable to pay, in whole or in part, to any collector of taxes, or to any person authorized by law to receive such taxes or public dues of any kind, with any warrant or warrants, order or orders on the Treasurer of the State, shall endorse on the warrant or warrants, order or orders so proposed to be used in payment of such taxes, licenses, or public dues, the dates of such payment, and the name of the officer to whom such payment and delivery of such warrant or warrants, order or orders, is made; and without such endorsement, such warrant or warrants shall not be received by the Treasurer of the State from any person charged with payment of money into the treasury of the State.

State Treasurer
not to receive
from Tax Collectors
warrants issued after 1st
January, 1874.

After 1st January,
1874, State Treasurer
to require an affidavit
from Tax Collectors.

Endorsement required
to tax payers on warrants

SEC. 12. Be it further enacted, That any person who shall make false oath in the matter required in the 10th section of this act, shall be guilty of perjury, and on conviction thereof be punished as prescribed by law against persons guilty of the crime of perjury.

SEC. 13. Be it further enacted, That from and after the 31st of December, 1873, it shall not be lawful for the Treasurer of the State to pay out, in any manner, of for any purpose to issue or deliver to any person any State certificates that have heretofore been authorized, which may on that day be in the treasury of the State; and it is hereby made the duty of the Treasurer and Auditor of the State on the said 31st day of December, 1873, or within three days thereafter, to make a careful account of all the said State certificates then in the treasury of the State, and make an accurate descriptive list thereof, in triplicate, and which shall be certified by the signatures of said officers. One of said lists shall be filed and preserved among the records of the office of the Treasurer, another among the records of the Auditor, and the third shall be delivered to the Governor to be kept and preserved among the records of his office; and thereupon the said Auditor and Treasurer shall, in the presence of the Governor, proceed and burn, and so totally destroy all the said State certificates so found at the date above named in the said treasury of this State; a certificate of the destruction of said State certificates shall be by said officers endorsed upon the said lists hereinbefore required to be made.

SEC. 14. Be it further enacted, That it shall be the duty of every collector of taxes, and of every receiver of public moneys in this State, to keep and faithfully pay into the treasury, or to the depository appointed by law for the keeping of the public money, the identical money received by him or them from the tax payer or tax payers; and it is hereby made unlawful for any person or officer of this State to use or apply any portion of the money paid him in the course of his official duty, as collector of taxes, or receiver of any part of the State; revenue, to any other use or purpose than payment into the treasury, in the manner and form in which such

money was so received by him. And when any collector of taxes in this State, or any person who is by law authorized to collect and receive any part of the State revenue, receives in payment of any taxes, licenses or public dues, any of the obligations issued under the authority of this act, he shall, in a proper book, make an entry of the obligations received by him, and the date of such receipt, which date and entry shall correspond with the date of the receipt given to the payer of taxes from whom such obligation was received; and such collector of taxes or receiver of the State revenue shall produce said book to the Auditor of the State at the time when his account is audited and adjusted, in default of which entry, or production of said book, such obligation or obligations shall be received by the Treasurer for the amount only of the principal thereof, without interest. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction be punished by a fine not exceeding one thousand dollars, and by confinement at hard labor for the county not exceeding six months, one or both, at the discretion of the court trying the same.

SEC. 15. Be it further enacted, That from and after the first day of January, 1874, it shall be the duty of the Auditor to examine and pass upon all claims presented against the State, and directed by law to be paid out of the treasury; and if found to be correct, to certify to their correctness by marking the same (correct; and shall in red ink attach his signature thereto on the face of the allowed claims, and shall cause all such allowed claims to be filed in his office, in the order of their presentation, and in that order shall issue his warrants on the Treasurer to the holder of said allowed claims for their payment. but he shall not issue any warrant on the Treasurer therefor unless there is at the time in the treasury funds which can be applied to the payment thereof ; and no payments shall be made by the Treasurer, except upon warrant of the Auditor, as now directed by law. Warrants on the Treasurer shall be paid only at the treasury of the State, and shall be paid only at the treasury of the State, and shall be paid in the order in which they are presented ; Provided, That any public creditor may, if

They must keep
a certain record
book

Penalty for violation

Duty of Auditor as
to claims presented
after 1st January, 74

Proviso

he elect, receive payment of his claim on the warrant of the Auditor so expressed in the obligations herein authorized, if such be then in the State treasury; Provided further, That this act shall not be construed to authorize the auditing and payment of any claims growing out of the railroad debt of the State; Provided also, That no part of the certificates or bonds provided for by this act shall be used in liquidation of interest accruing on any railroad obligations in this State.

SEC. 16. Be it further enacted, That from and after the passage of this act, warrants on the Treas-
Warrants after urer other than those paid into treasury by offi
the passage of cers or persons charged with the collection of taxes
this act to be and which they have taken and received from pay-
registered by ers of taxes in the course of the official duty of said
the State Treas officers in the manner authorized by this act, shall
urer be registered by the Treasurer as they are presented,
and shall be paid by the Treasurer in the order of
their registration from any money in the treasury
not otherwise specifically appropriated.

SEC. 17. Be it further enacted, That the sum of one hundred thousand dollars out of the moneys Sinking fund first received into the treasury in the legal currency provided for of the United States, after the first day of January, 1874, and after the first day of January in every year thereafter, till the obligations herein authorized shall be retired, is hereby specifically appropriated as a sinking fund, and the same shall, under the direction of the Governor, be so invested and applied as first to pay the semi-annual interest upon the obligations hereinbefore authorized to be issued as the

same falls due, and the remainder securely invested or otherwise applied so as to be available and productive as a sinking fund for the redemption of said obligations at their maturity, or otherwise retiring the same as early as means of the State will permit, and for the payment and redemption of said obligations at maturity thereof, and the prompt payment of interest accruing thereon, the faith and revenue Coupon bonds of the State are hereby pledged. to be exchanged

SEC. 18. Be it further enacted, That whenever any person shall present to the Auditor of the State obligations of the State, as herein authorized, to the amount of one thousand dollars, he shall be entitled

to receive therefor a coupon bond of the State for the sum of one thousand dollars, bearing interest at the rate of six per centum per annum, payable semi-annually at the treasury of the State, and having thirty years to run before maturity. These bonds shall all bear the 1st day of January, 1874, and be payable in gold, both principal and interest, at the treasury of the State. They shall be under the seal of the State, signed by the Governor and countersigned by the Auditor. They shall be carefully numbered and registered in a proper book in the office of the Auditor. The Governor is hereby authorized to have the requisite number of bonds suitably prepared to meet the provisions of this section, and kept in his office until required to be issued; but they shall not, however, be signed or sealed until the exchange herein authorized is demanded. A record of all bonds issued and of all obligations received under this section shall be kept in the office of the Auditor, and be reported to the Governor as required herein about the exchange of treasury warrants and State certificates for obligations; and all obligations received by the Auditor under this section shall be by him cancelled and delivered to the Treasurer in the manner and form herein in the fourth section provided for cancellation and delivery to the Treasurer of warrants on the Treasurer and State certificates. But in exchange of bonds for obligations in this section authorized, the Auditor shall cut from the bonds, and destroy, all such interest coupons as by their terms have matured before such exchange is made; and shall also see that the interest as between obligations and bonds is equalized in such exchange, and that no part of the interest due or maturing on such obligations is converted into the principal of the bond or bonds exchanged for such obligations.

SEC. 19. Be it further enacted, That the sum of five thousand dollars, out of any moneys in the treasury not otherwise appropriated, is hereby placed at the disposal of the Governor, for the purpose of carrying into effect the provisions of this act, to be by him accounted for with the treasury, as the disbursement of other public money is by law accounted for.

How prepared,
Numbered and
registered

Record of the
same

All matured
coupons to be
cut off

Appropriation to
carry this act
into effect

 SEC. 20. Be it further enacted, That all laws and
 Repealing sec parts of laws in conflict with the provisions of this
 tion. act be, and the same are hereby, repealed.
 Approved, December 19, 1873.

No. 6.] AN ACT

To codify and revise the statute laws of Alabama of
 a general and public nature.

SECTION 1. Be it enacted by the General Assem-
 bly of Alabama, That the Governor be, and he is
 Governor to ap hererby authorized to appoint three commissioners to
 point three codify and revise the statute laws of the State of
 commissioners Alabama of a general and public nature.

SEC. 2. Be it further enacted, That the commis-
 Limitation on sioners shall not change the arrangement of the pres-
 the commis ent Code, nor the number of its sections, nor the
 sioners as to substance or meaning of any statute to be in-
 the present cluded therein; but they may charge their phrase-
 Code ology where it is inaccurate, redundant, or lacks
 clearness or precision.

Directions for SEC. 3. Be it further enacted, That the said com-
 the commis missioners shall include in said Revised Code all the
 sioners public statutes of a general nature, passed by the
 General Assembly, which may have not been repealed,
 and which are not contained in the Revised Code of
 1867, by condensing them into proper sections and
 placing them in such parts and chapters of the pres-
 ent Code, as they shall appropriately belong to, de-
 signating or numbering the sections into which they
 shall be formed in such a manner as not to change
 the number of sections of the present Code. They
 shall also prefix to each section an italic line show-
 ing the subject-matter of the section; and add mar-
 ginal references to the Session Acts of the General
 Assembly in which the new statutes may be formed,
 stating also the time when passed.

SEC. 4. Be it further enacted, That the said com-
 What must be missioners shall omit from the body of the said Re-
 omitted vised Code all the section of the present Code, and
 all the statutes passed since its adoption, which have

been repealed by the General Assembly, or which the Supreme Court has decided to be unconstitutional ; but they must refer to them in appropriate foot-noted, as having been repealed, or declared to be unconstitutional; and in all cases where any section has been construed by the Supreme Court, the said commissioners must make a reference to the decision in an appropriate foot-note.

SEC. 5. Be it further enacted, That the said commissioners shall prepare a copious and complete index to the said Revised Code, making each subject in such index as full and complete as practicable, and referring directly to sections and pages which have no sections.

SEC. 6. Be it further enacted, That the said commissioners shall put, as appendices to the said Revised Code, the Articles of Confederation, the Declaration of Independence, the Constitution of the United States and all amendments thereof, the Ordinance of 1787, the Act for the Government of the Mississippi Territory, the Act for the admission of Alabama into the Union, the Acts of Congress included in the present code, and all the Rules of Practice in the Supreme, Chancery, and Common Law Courts, which have been adopted by the Supreme Court, and remain in force, and the several Constitutions of the State, which are or have been in force in this State, with the amendments thereto, and the date of their going into effect.

SEC. 7. Be it further enacted, That when the said commissioners shall complete said Revised Code, in the manner herein provided, they shall deliver the same to the Governor of this State, accompanied with a report pointing out specifically every change in, and addition to, the present Code, so that it may be seen by the next General Assembly, whether the changes and additions are proper or not ; and they may recommend to the General Assembly, for their consideration, such changes in, and additions to, the said Revised Code, as shall not be included therein, but seem to them to be for the public good.

SEC. 8. Be it further enacted, That when said Revised Code shall be delivered to the Governor, as herein provided, it shall be his duty carefully to examine the same, to report it, together with the report

Index to be prepared

Appendices

Revised Code to be
delivered to the Governor

Duty of the Governor

 Governor to of said commisioners, to the next General Assem-
 recommend the bly with such suggestions in regard to its adoption,
 compensation rejection, or amendment, as he shall deem proper,
 and to recommend to the next General Assembly the
 amount of compensation, that should be paid to the
 said commissioners for their services in the prepara-
 tion thereof.

General Assembly SEC.9. Be it further enacted, That the said com-
 to provide com missioners shall receive such compensation from the
 pensationn State, for their services in the preparation of the said
 Revised Code, as the General Assembly shall here-
 after provide.

Vacancy among SEC. 10. Be it further enacted, That in case any
 the commis of said commissioners shall die, resign his office, or
 sioners ; how become unable to execute the duties hereby required
 filled of them, the Governor of the State shall appoint a
 suitable person in his palce, and such person, when
 so appointed, shall have the powers and rights of
 the said commissioners, and be subject to all the du-
 ties required of him.

Approved, December 17, 1873.

No. 7.] AN ACT

To authorize executors, administrators, guardians,
 and trustees to make investments in bonds, obliga-
 tions and securities of the United States, and of
 the State of Alabama.

SECTION 1. Be it enacted by the General Assem-
 bly of Alabama, That it shall be lawful for execu-
 Authority giv tors, administrators, guardians, or trustees, who may
 en to invest in have money in their hands to be invested, or loaned,
 the interest to invest the same in the purchase of interest-bearing
 bearing bonds bonds, obligations, or securities of the State of Ala-
 bama, issued after the passage of this act or of in-
 terest-bearing notes or bonds of the United States;
 and such executors, administrators, guardians, or
 trustees, shall be credited in their settlements with
 the amount actually, bona fide, paid for the bonds,
 Proviso obligations or securities so purchased; Provided, It
 shall be made to appear to the court having jurisdic-
 tion over such settlements, that such purchases were

made for the amount actually and bona fide paid and not greater than the market value of such bonds, obligations, or securities, at the time of their purchase.

SEC. 2. Be it further enacted, That all laws or parts of laws contrary to the provisions of this act are hereby repealed.

Approved, December 15, 1873.

No. 8.] AN ACT

To amend section four of an act entitled (an act to regulate property exempt from sale for the payment of debts, approved April 23, 1873.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section four of an act to regulate property exempt from sale for the payment of debts, which said section is in words and figures, as follows, to wit:

SEC. 4. Be it further enacted, That this act shall not be so construed as to prevent a laborer(s lien for work done and performed for the person claiming an exemption, nor a mechanic(s lien for work done on the premises, the exemption authorized by this act shall not extend to any deed or mortgage lawfully obtained, but no mortgage or other alienation of any homestead exempted by this act by the owner thereof, if a married man, shall be valid without the voluntary signature and assent of his wife, which voluntary signature and assent must be shown by the examination of the wife separate and apart from the husband touching the same, had before a circuit or supreme court judge, chancellor or judge of probate, and must be certified to in writing, endorsed upon such mortgage by such judge or chancellor in the following form; State of Alabama, county of-----, I, Judge (or chancellor, as the case may be), do hereby certify that on the (day of ----18(, came before me the within named-----, known or made know to me to be the wife of the within name, who, being by me examined separate and apart from her husband touching her signature

Recitation

 to the within acknowledged that she signed the same of her own free will and accord, and without fear, constraint or persuasion of her husband. In witness whereof I hereunto set my hand this(day of ----, 18(. A.B----, Judge of Chancellor, be so amended as to read as follows, to wit:

SEC. 4. Be it further enacted, That this act shall Amended sec- not be so construed as to prevent a laborer(s lien for tion. How not to work done and performed for the person claiming an be construed exemption, nor a mechanic(s lien for work done on the premises, the exemption authorized by this act shall not extend to any deed or mortgage lawfully obtained, but no mortgage or other alienation of any homestead exempted by this act by the owner thereof, if a married man, shall be valid without the voluntary signature and assent of his wife, which

voluntary signature and assent must be shown by the examination of the wife separate and apart from the husband, touching the same, had before a circuit or supreme court judge, chancellor, judge of probate, notary public or justice of the peace, and must be certified to in writing endorsed upon such mortgage, by such judge, chancellor, notary public

ot justice of the peace, in the following form:
 State of Alabama, County of-----, I, Judge, (chancellor, notary public or justice of the peace, as the case may be), hereby certify that on the (day of (,18 ((, came before me the within named (, known or made known to me to be the wife of the within named----, who, being by be examined separate and apart from her husband touching the signature to the within-----, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or persuasion of her husband. In witness whereof, I hereunto set my hand this(day-----,18(. AB, Judge, Chancellor, Notary Public, or Justice of the Peace.

Approved Dec. 13th, 1873.

No. 9.] AN ACT

To authorize the Secretary of State to employ temporary clerks in his office, and for the payment of certain clerical services heretofore rendered.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Secretary of State is hereby authorized to employ temporary clerks in his office in the manner prescribed in section 73 of the Revised Code of Alabama.

SEC. 2. Be it further enacted, That the temporary clerks employed by the Secretary of State are entitled to the Auditor(s) warrant on the State Treasurer for the respective amounts due them for the services rendered, upon presentation to the Auditor of State of stated accounts, certified by the late Secretary of State or his successor in office in the manner prescribed by section 73 of the Revised Code.

Approved, December 12, 1873.

No. 10.] AN ACT

In relation to the victualing of prisoners in jail.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the sheriffs of the different counties of this State shall be allowed forty cents per day for victualing each prisoner in the jail, the amount to be paid as now prescribed by law.

SEC. 2. Be it further enacted, That all laws and parts of laws, general or special, contravening the provisions of this act be and the same are hereby repealed.

Approved December 17, 1873.

Only forty cents
per day hereafter

No. 11.] AN ACT

To regulate the confinement and discharge of persons charged with misdemeanor.

Parties arrested SECTION 1. Be it enacted by the General Assembly for misdemeanor of Alabama, That any person who is arrested to be charged charged with a misdemeanor, and is held to answer the same, or who is arrested by virtue of a capias or an indictment for a misdemeanor, shall be discharged by the committing magistrate, or officer trial, a felony making the arrest under a capias, on his own recognizance, without security; and if such person so discharge shall willfully fail to attend and answer such charge, as required by law, he shall be guilty of a felony, and on indictment and conviction shall Rearrested for be confined in the Penitentiary not less than one nor misdemeanor more than two years; Provided, That any person to give bond who is discharged under the provisions of this act, who shall be arrested during the period of such release from custody, charged with another misdemeanor, committed after such release, shall not be discharged without giving bond and security as now required by law; and such person, if convicted on the trial of the said second offense, shall be punished by imprisonment on the Penitentiary not less than one year nor more than two years; than any person discharged by an officer of the law under the provisions of this act, upon his own recognizance, shall be informed by said officer of the penalty attaching upon his failure to appear on trial, and the duty of giving this information is hereby made a part of the duty of sheriff or other officer under his official oath.

Approved December 17, 1873.

No. 12.] AN ACT

To constitute the purchasers of any railroad hereafter sold under authority of any law of this State a body corporate and politic.

SECTION 1. Be it enacted by the General As-

sembly of Alabama, That in each and every case in which any railroad may hereafter be sold by the State of Alabama, or by any commission, officer or agent of said State, or under any proceeding, judicial or otherwise authorized by law, the purchasers at any such sale may constitute themselves into a body politic and corporate, and shall have and possess all the powers and franchises which belonged to the company or corporation originally owning the railroad so purchased, including the power to purchase and hold real estate and the franchise to be and exist as a corporation under such name as the purchasers may select and adopt, and the board of directors of such new corporation shall have power to issue bonds and also certificates of preferred and common stock to such an amount and with such powers as to voting in the management of the affairs of the company as said board may determine, and to lease, sell or mortgage all or any part of the franchises or property of such corporation including the franchise to be or exist as a corporation, and to prescribe the form of such bonds and certificates and the rates of interest not exceeding the legal rate and dividends of the same.

Approved, December 17, 1873.

No. 13.]

AN ACT

To regulate the trial of attachment cases.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all attachments cases shall stand for the trial at the first term after the issuance of the attachment if the levy is made and notice thereof given twenty days before the commencement of the term of the court to which such attachment is returnable ; Provided, That if the attachment is issued on the ground that the defendant is a non-resident the case shall not stand for trial until after publication has been made as is now required by law, unless such absent defendant appear and plead in bar, And provided further, That if the attachment is issued upon a demand not due when it is is-

When such

cases stand for

trial at the first

term

Proviso

sued, the case shall not for trial until such demand is due.

This act not ap SEC 2. Be it further enacted, That this act shall plicable to just not apply to the courts of justices of the peace.

tices(court SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved, December 17, 1873.

No. 14.] AN ACT

To prevent the Judges of the Circuit, Criminal and City Courts from holding any other office during their respective terms of office,

SECTION 1. Be it enacted by the General Assem- bly of Alabama, That it shall not be lawful for the Judge of any court of common law jurisdiction, civil or criminal, in this State, to hold any other office, State, county or municipal; and any such Judge accepting other office, State, county or mu- nicipal, shall thereby vacate such judge(s office.

Approved, December 13, 1873.

No. 15.] AN ACT

To amend section 3,470 of the Revised Code of Alabama.

SECTION 1. Be it enacted by the General Assem- bly of Alabama, That section 3,470 of the Revised Code of Alabama which is in words and figures as Recitation follows: (3,470 (3,006), decree to be in writing and rendered during the term in difficult cases-decrees may be rendered during vacation. The chancellor must, when practicable, render his decrees in writing during the session of the court at which the cause is heard. He may, however, in difficult cases, ren- der a decree in vacation within six months after the Amended sec hearing,(be amended so as to read as follows, viz: tion 3,470 (3,006), decrees to be in writing and rendered

during the term ((by counsel may be rendered in ninety (90) days after hearing. The chancellor must in all cases render his decrees in writing during the session of the court, at which the cause is heard. He may, however, render a decree in vacation, within ninety (90) days after the hearing.

Approved December 8, 1873.

No. 16.] AN ACT

To amend an act entitled an act to fix the time of holding the courts in the fifth judicial circuit, approved February 1, 1872.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the courts in the fifth judicial circuit shall be held as follows: In the county of Blount on the first Mondays in march and September, and may continue one week, in the county of Marshall on the second Mondays in March and September, and may continue one week ; in the county of DeKalb on the third Mondays in March and September, and may continue one week ; in the county of Jackson on the fourth Mondays in March and September, and may continue two weeks; in the county of Madison on the fifth Monday after the fourth in March and September, and may continue until the business is disposed of; any law to the contrary notwithstanding, be, and the same is, hereby amended so as to read as follows:

SECTION 1. Be it enacted by the General Assembly of Alabama, That the courts in the fifth judicial circuit shall be held as follows: In the county of Blount on the first Monday in March, and continue one week, and on Monday before the first Monday in September, and may continue two weeks; in the county of Marshall on the second Mondays in march and September, and may continue one week; in the county of DeKalb on the third Mondays in March and September, and may continue one week; in the county of Jackson on the fourth Mondays in March and September, and may con-

Recitation

Amended act.

 tinue three weeks, in the county of Madison on the fifth Monday after the fourth Monday in March and September, and may continue until the business is disposed of ; any law to the contrary notwithstanding.

SEC. 2. Be it further enacted, That this act shall go into effect immediately after its passage.

Approved December 12, 1873.

No. 17.] AN ACT

For the protection of unfortunate females, and to prohibit their being worked on the public streets of the several incorporated towns and cities of this State, as a means of punishment for the violation of city or town ordinances.

SECTION 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of No females to this act, it shall be unlawful for the municipal be worked on authorities of any city or town in this State, to punish the streets ish any female of Alabama by working her on the public streets of any incorporated city or town in this State as a means of punishment for the violation of city or town ordinances.

SEC. 2. Be it further enacted, That all laws or parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved December 3, 1873.

No. 18.] AN ACT

To make appropriations for the fiscal year ending 30th September, 1874.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the following sums of money be, and they are hereby appropriated for the purposes specified, to be paid out of any money in the treasury not otherwise appropriated, for the fiscal year ending September 30th, 1874.

For compensation of the Governor, four thousand dollars; for compensation of the Lieutenant-Governor, fifteen hundred dollars; compensation of the Secretary of State, two thousand four hundred dollars, compensation of the Auditor, two thousand four hundred dollars ; compensation of the Treasurer, two thousand eight hundred dollars; compensation of the Attorney-General, two thousand dollars; compensation of the private secretary of the Governor, one thousand five hundred dollars; compensation of the Recording Secretary, one thousand two hundred dollars; compensation of the clerk in Auditor(s) office, one thousand five hundred dollars; compensation of the keeper of the State Capitol, one hundred and fifty dollars; compensation of Judges of the Supreme Court, four thousand dollars each, compensation of Circuit Judges and Chancellors, three thousand dollars each, compensation of Reporter of Supreme Court, two thousand dollars; compensation of Marshal and Librarian, two thousand dollars, compensation of the Superintendent of Public Instruction, three thousand six hundred dollars; compensation of Superintendent of Industrial Resources, two thousand five hundred dollars ; extra compensation of the Secretary of the Senate and Clerk of the House, four hundred and fifty dollars; to the Secretary of the Senate for copying the journal of the Senate for the present session, and of the journal of the Senate of the Capitol Legislature for the public printer, three hundred and fifty dollars to the Clerk of the House for copying of the House journal for the present session for the public printer, and one hundred dollars as compensation to Ellis Phelan for copying journal of the House of the Capitol Legislature ; for distribution of the acts and journals of the present session, six hundred dollars; for a watchman for the State House, and servants for the Executive Department, fuel, lights, and stationery, six thousand dollars ; Provided, That the watchmen and servants shall be employed by the Governor and paid upon his order; for the Secretary of the Senate and Clerk of the House, for completing their respective journals and arranging their papers for file, one hundred dollars each ; for incidental and contingent expenses, fifteen thousand dollars, or so

much thereof as may be necessary, to be paid on the order of the Governor in conformity to the law, as the public service may require; for the per diem and mileage of Senators and Representatives of the General Assembly, and compensation of officers, clerks, and employees of the Senate and House of Representatives, seventy-five thousand dollars, or as much thereof as may be necessary at the rates provided by law ; for per diem and mileage of the members of the Board of Education, and compensation of officers, clerks, and employees of the Board of Education, five thousand dollars, or so much thereof as may be necessary at the rates provided by law.

Approved, December 16, 1873

No. 19.] AN ACT

To provide for the support of the common schools of this State for the current year.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in addition to the money Additional ap which will accrue for the support of the common propriation schools of this State for the fiscal year ending 30th September, 1874, by an act entitled (An act to keep in each county of this State a proportionate share of the public school money,(approved April 19, 1873, there is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, the sum of one hundred and seventy thousand, six hundred and eighty-eight and eighty-five hundredths dollars, (\$170,688.85), which is the amount of interest accruing on the sixteenth section fund.

SEC. 2. Be it further enacted, That it shall not Auditor prohib be lawful for the Auditor of the State to draw ited from draw any warrant or warrants upon the Treasurer of the ing in excess State for school purposes during said fiscal year in excess of said sum in the first section of this act Proviso named; Provided, That nothing in this act shall be so construed as to prevent the Auditor from drawing all warrants that may be necessary to carry out the provisions of any act entitled (An act to keep in each

county of this State a proportionate share of the public school money, (approved April 19th, 1873, and that each and every duty required of the Auditor by said act, is hereby declared as remaining in full force and power; and all laws and parts of laws in conflict with the provision of this act are hereby repealed.

Approved December 17, 1873.

No. 20.] AN ACT

To provide for food and clothing for the convicts in the penitentiary.

WHEREAS, The present crisis in financial circles has prevented the collection of debts due for labor of hands of the penitentiary; and whereas, the persons confined in the penitentiary walls are unable to support themselves at mechanical trades, or otherwise, and the inmates of the penitentiary are destitute of clothing and food, therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of ten thousand dollars be, and the same is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the purpose of paying for food and clothing heretofore bought or hereafter to be purchased for the convicts now confined or which may be hereafter confined in the penitentiary.

SEC. 2. Be it further enacted, That the Auditor is hereby instructed to draw his warrant on the State treasury in favor of the warden of the penitentiary, at such times and for such sums as may be required by said warden, upon the presentation of the Auditor by said warden of a certified account of the expenses to be paid, provided said expended shall not exceed the sum of ten thousand dollars; Provided, That the amounts which may be collected as claims due the penitentiary, now in the hands of the warden, or so much thereof as is necessary, shall be applied to the payment of the amounts herein authorized.

Approved, December 16, 1873.

Preamble

Appropriation of
ten thousand dollars

Warrant in favor
of the war den

No.21.] AN ACT

To provide for the support of the Freedman(s Hospital, located near the city of Talladega, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Green T. McAfee, William Trustees and H. Thornton and William H. Cain are hereby constituted a board of trustees, and Green P.P. McAfee the steward for the institution known as the Freedman(s Hospital, located near the city of Talladega, county of Talladega, Alabama.

SEC. 2. Be it further enacted, That the sum of Amount appro twenty-seven hundred and fifty dollars be, and the priated same is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, for feeding, clothing, medicines, medical attention, one ration to the steward, quarters, fuel, and other necessary articles required for the support and maintenance of the patients in said hospital.

SEC. 3. Be it further enacted, That of the sum of Compensation money appropriated by the second section of this of steward act, an amount, not more than six hundred dollars, shall be appropriated for the compensation of the steward, and a sum not exceeding two hundred dollars for medical attention to said inmates.

SEC. 4. Be it further enacted, That the trustees Trustees to make aforesaid shall make a full and complete settlements ke settlement of all accounts and contracts made by them or by their order, purchase all necessary supplies and furnish a detailed statement of all moneys received and disbursed by them to the Governor of the State, together with all the books and papers in anywise connected with a discharge of their duties, which shall be filed in the office of Secretary of State.

SEC. 5. Be it further enacted, That no money No money to shall be drawn from the treasury until it is actually be drawn exc needed, and it shall be drawn in strict conformity ept as needed to the rules and regulations of drawing money from the State treasury.

SEC. 6. Be it further enacted, That no other pa- No other pa tients shall be received in said hospital than the in- tients mates now in said hospital.

SEC. 7. Be if further enacted, That an act to pro-

vide for the support of the Freedman(s Hospital,
located near the city of Talladega, Alabama, ap-
proved March 5, 1873, be, and the same is hereby,
repealed.

Certain act
repealed

SEC. 8. Be it further enacted, That the provisions
of this act shall continue and be in force until Dec.
31, 1874.

Approved, December 16, 1873.

No. 22.] AN ACT

Authorizing the Superintendent of Public Instruc-
tion to compromise the liability of the sureties on
the official bond of Wm. J. Gilmore, late superin-
tendent of public schools in Choctaw county.

SECTION 1. Be it enacted by the General Assem-
bly of Alabama, That the Superintendent of Pub-
lic Instruction be, and is hereby, authorized to agree
upon a compromise of the liability of the sureties
on the official bond of Wm. J. Gilmore, late super-
intendent of public schools in Choctaw county, and
report such agreement to the Legislature for its con-
sideration, which agreement of compromise shall
only be binding upon the State upon its ratification
by the General Assembly.

Approved, December 17, 1873.

No. 23.] AN ACT

To provide for the adjustment of the claims of all
agents, commissioners and all other persons claim-
ing compensation for services rendered in select-
ing and securing title to the swamp and overflowed
lands in the State of Alabama.

WHEREAS, By an act of the Congress of the Uni-
ted States, approved September 28, 1850, certain
swamp and overflowed lands were ceded to the State
of Alabama ; and whereas, under an act of the Gen-

Preamble

eral Assembly of Alabama, approved February 24, 1860, the Governor of Alabama made a contract with James R. Powell, Urban L. Jones, Daniel P. Forney, and the late S.S. Houston, to select and secure title to the State such swamp and overflowed lands, on certain terms therein agreed on; and whereas, it is claimed that under said contract said agents did select and survey a large quantity of swamp and overflowed lands within said State, and procured the patents to be issued therefor, and for which they claim compensation under said contract ; and whereas, other parties claim that they are entitled to share in said compensation by reason of services alleged to have been rendered by them in and about the selection of said lands, and in the procuring of titles therefor, and in and about the sale of said lands, some portion of said lands having been sold by the State of Alabama ; and whereas, the extent of validity of said claims and the proper distribution of the fund cannot be determined without judicial investigation.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the said James R. Powell, May file in Urban L. Jones, Daniel P. Forney, and the legal chancery court representatives or heirs of S.S. Houston, deceased, may file in the second district of the southern chancery division of Alabama their original bill in chancery against the State for the purpose of ascertaining, determining and apportioning the compensation that may be due, and to become due, for services rendered by any and all persons in and about the selection and survey of said lands, and in procuring titles therefor, and in making sale thereof, such bill shall have the properties of a creditors' bill, and all persons claiming compensation for services rendered aforesaid, may be admitted as parties to said suit on petition filed setting forth their several claims, they offering and agreeing therein to share the expense of said suit and of said litigation, and giving security therefor satisfactory to the register of said court.

SEC. 2. Be it further enacted, That when said Duty of register bill is filed the register of said court shall give notice in chancery thereof by publication in some newspaper in the city of Montgomery, for three weeks, notifying all

persons claiming an interest in said fund of the pendency of said suit, and that they are required to propound their interest by petition under this act within forty days after the first publication, and failing to do so, their claims are declared to be barred.

SEC. 3. Be it further enacted, That summons issued on said bill may be served on the Governor of the State of the Attorney General, when the latter shall answer such bill in the name of the State, in such manner as is required in other chancery causes. The answer shall set forth the number of acres of such swamp and overflowed lands so selected under said act of Congress that shall have been sold by the State, and the sum for which said lands were sold, and may contain any defensive matter material in said cause.

SEC. 4. Be it further enacted, That such suit shall be conducted as other chancery suits are, with the exception that all conflicting claims to said fund may be heard and adjudicated without any cross-bill, and the cost may be adjudged and imposed by the court in such manner as the court may consider equitable. The decrees rendered in the cause against the State, should any such be rendered, to be paid as other judgments against the State are paid.

SEC. 5. Be it further enacted, That in passing on the claims presented in said cause, should there appear any just claims on the proceeds of said swamp and overflowed lands that are not provided for in said act of February 24, 1860, the chancery court aforesaid may pronounce on said claims and decree its payment, and such bills shall not, for that cause, be held to be multifarious.

SEC. 6. Be it further enacted, That until the termination of said suit no moneys shall be paid out of the State treasury to any agent, commissioner, or employee, for services rendered in selecting or surveying said lands, or in obtaining patents therefor or in selling the same.

SEC. 7. Be it further enacted, That any party to such suit may prosecute an appeal from the chancery to the supreme court under the terms prescribed for appeal in other chancery causes; but such appeal must be taken within six months after the final decree, and not afterwards.

Approved, December 17th, 1873.

Summons and answer

Suit, how conducted

If not provided for,
payment of claim
may be ordered

Until suit decided
no payments

Appeal to
Supreme Court

No. 24.]

AN ACT

To establish an inferior court of record in the town
of Decatur, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there is hereby established in Court established in the county of Morgan an inferior court of record to be called (the law and equity court of Morgan title county,) to be located and held twice a year in the town of Decatur in said county.

SEC. 2. Be it further enacted, That the jurisdiction of said court shall extend north and south and include all if said county of Morgan west of a line running north and south through the centre of range three, and running north and south as aforesaid.

SEC. 3. Be it further enacted, That said court Clerk and register shall have a common seal, and shall have a clerk to be styled the clerk and register, and such other officers as the circuit courts in this State. The said clerk and register of said court shall be elected by the qualified voters of said county of Morgan, at the next general election for State officers, and shall hold his office for the same term as the clerks of the circuit courts, and shall give the same bond, exercise the same powers, and perform the same duties within said territorial limits as are now required by law of the clerks of circuit courts in this State, except so far as the provisions of this act are in conflict therewith; and shall further exercise the same powers and perform the same duties within said territorial limits as are now required by law of the register of the chancery courts of this State, except so far as the provisions of this act are in conflict therewith; and until said election the judge of said court shall appoint a clerk and register of said court, who shall hold his office until his successor is elected and qualified; and all vacancies hereafter in said office of clerk and register shall be filled in the same manner and under the same rules and regulations as now are, or may be hereafter, in force in regard to vacancies in the office of circuit court clerks in this State.

SEC. 4. Be it further enacted, That all executions

issued upon judgments of said court shall be returnable to the next succeeding term thereof ; and all executions issued on decrees, and all orders, rules and process issuing from the equity side of said court shall be returnable as now provided by law in equity cases; and all orders of publication, injunction or other order in the equity side of said court must conform to the rules now in force in the courts of chancery in this State, and to those which may hereafter be made.

SEC. 5. Be it further enacted, That said court of law and equity shall have concurrent jurisdiction with the circuit court of Morgan county of all offenses against the criminal laws of the State committed in said territorial limit of said county, and concurrent jurisdiction kin said territorial limit with the said circuit court in all civil cases, and that the powers and jurisdiction of circuit courts of this State be, and they are hereby, conferred on the said court of law and equity to the extent above provided, and in order to confer on said court the same powers and authority as is now or may hereafter be conferred upon the circuit courts of this State in the exercise of like jurisdiction, it is declared that all laws conferring jurisdiction in any case upon the circuit courts in this State, and giving them power to hear and determine causes, appoint and remove their officers, punish contempt, regulate their practice and forms of process, prescribing the duties of their officers, and of sheriff and coroner, allowing established fees of each office and providing for the collection thereof, and requiring of such officers official oaths, and bonds shall be held to extend to said court and its officers as fully as they extend to the circuit courts of this State.

SEC. 6. Be it further enacted, That said court of law and equity shall, on the equity side of said court, have concurrent jurisdiction in said territorial limits in the said county of Morgan with the chancery court of the chancery district to which said county belongs in all cases for divorce, and cases where the value of the matter in controversy does not exceed the sum of five thousand dollars(and that the powers and jurisdiction of the chancery courts of this State, be, and the same are hereby,

Executions upon
judgments of this
court

Concurrent jurisdiction

Concurrent
jurisdiction in certain
chancery courts

conferred on the said court of law and equity to the extent above provided; and in order to confer on said court the same powers and authority as is now, or may be hereafter, conferred upon the chancery courts of this State in the exercise of the like jurisdiction, it is declared that all laws conferring in any case upon the chancery courts in this State, giving them power to hear and determine causes, appoint and remove trustees and receivers, issue writ of ne exeat, attachments and other remedial writs and process, punish contempt, to regulate their practice and forms of process, prescribing the duties of their officers, rules, and orders for taxing costs, and providing for the collection thereof, shall be held to extend to said court of law and equity within the limits of its jurisdiction in this act provided, and the said court of law and equity must in all cases in equity therein pending conform to the rules of chancery practice now in force in the courts of chancery in this State, and to those which may hereafter be made.

SEC. 7. Be it further enacted, That power is conferred on the judge of said court of law and equity to issue certain writs to issue writs of injunction, habeas corpus, and any other writs or process in any and every case in which, by existing laws, circuit judges may order the issue of any like remedial writ or process, and further to issue writs of injunction, ne exeat or any other writs or process in any and every case in which, by existing laws, chancellors of this State may order the issue of any like remedial writ of process in the recess or vacation of said court, the judge thereof shall have the same power and authority as the judges of the circuit or chancellors of this State now have or may hereafter have.

Supreme court SEC. 8. Be it further enacted, That supreme court of the State shall have appellate and supervisory jurisdiction over said court of law and equity, and that civil and criminal cases may be removed from that court to the supreme court in the same manner provided by law for the exercise by that court of like appellate or supervisory jurisdiction over the courts of judges of the circuit courts of this State, and that equity cases therein may be removed from the said court to said supreme court in the same

manner provided by law for the exercise by that court of like appellate or supervisory jurisdiction over the courts or chancellors of the chancery courts of this State.

SEC. 9. Be it further enacted, That the process of said court in civil and criminal cases shall be issued, returned and be in form as is provided for the circuit courts, and the process of said court in equity cases shall be issued, served and returned, and be in form, as is or may be provided, for the chancery courts of this State, the said process varying only in the style of the court conforming to its terms.

SEC. 10. Be it further enacted, That the grand and petit jurors of said court of law and equity shall be drawn and empannelled from that portion of Morgan county west of a line running north and south through the centre range three west in said county of Morgan and any justice of the peace to be selected by them; said drawing to be had in the said town of Decatur, and in the same manner as provided by law for the circuit courts, and the said court of law and equity shall have the same power to summon tales jurors from said portion of said county west of said range line as the circuit courts of this State have.

SEC. 11. Be it further enacted, That the sheriff of Morgan county, and the coroner and constables of said county, shall be required to attend said court when holden, preserve order, execute and return its process, as they are now are, or may be hereafter required to do in the circuit courts.

SEC. 12. Be it further enacted, That the county solicitor of Morgan county, shall be required to attend said court, when held, and prosecute all indictments in said court, and be entitled to the same compensation as allowed by law in the circuit courts for such services.

SEC. 13. Be it further enacted, That the venue in any civil or criminal case in said court may be changed to the circuit court of Morgan county, or to some other circuit court, under the same rules and regulations that now, or hereafter may, govern changes of venue in the circuit courts; and that in

Process if this
court

How jurors to
be drawn and
where from

Sheriff coroner
and constable
to attend the courts

County solicitor
to attend

Venue may
be changed

any criminal or civil case pending in the circuit court of Morgan county, for good cause shown, the venue of such cause may be changed to the said court of law and equity; and in such case the clerk of said circuit court must certify all the orders made in the cause in said circuit courts, and transmit all the papers in the cause to the clerk of said court of law and equity.

SEC. 14. Be it further enacted, That the compensation of witnesses and jurors in said court of law and equity, the fees of sheriff, bailiff and constables, and also the clerk and register of said court, for services rendered, shall be the same as are now allowed by law for like services in the circuit and chancery courts of this State.

SEC. 15. Be it further enacted, That the judge of this of the fourth judicial circuit of Alabama shall be the judge of said court of law and equity.

SEC. 16. Be it further enacted, That the fines and forfeitures in said court of law and equity be paid to the clerk of said court of law and equity whom payable to be held by him subject to the order of the judge of said court for the payment of the expenses of said court, and if that be insufficient, that the commissioners court of said county in the territorial jurisdiction of said court of law and equity on all the taxable property thereof ; Provided, however, that said tax shall not exceed one fourth of one per cent. and that said tax be collected by the tax collector of said county to be paid to the clerk of said court of law and equity for the purpose of defraying the expenses of said court upon said clerk entering bond and security payable to said tax collector in double the amount of the tax collected.

SEC. 17. Be it further enacted, That the terms of said court of law and equity shall be held on the last Monday in February and the last Monday in August of each year and may continue one week at each and at such other times as the judge of said court may direct, after giving thirty days notice of the holding thereof by advertisement in some newspaper publishing in said county.

SEC. 18. Be it further enacted, That nothing in this act shall be so construed as to diminish the rev-

enue of said county, and that no part of said revenue of said county, shall be used to defray any part of the expenses of said court.

Approved, December 17, 1873.

No expense of
the court to fall
on the revenue
of the county

No. 25.] AN ACT

To authorize the Judge of the 7th Judicial Circuit to hold a special term of the Circuit Court for Sumter county for the disposal of unfinished criminal business.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the judge of the 7th judicial circuit be and he is hereby authorized and empowered to hold a special term of the circuit court for the county of Sumter for the trial of all unfinished criminal businesses, at such time as he may appoint, by giving thirty days notice thereof by publication in some newspaper published in said county before the time of holding the same, Provided, however, no person charged with a capital offense shall be tried at such special term without the person so charged with such capital offense shall make application to the judge therefor.

Authority conferred

SEC. 2. Be it further enacted, That it shall be the duty of the clerk of the circuit court of said county to set the causes for trial on certain days and issue alias subpoenas for the witnesses in each case to appear on the day on which said case is set for trial.

Duty of clerk.

Approved, December 6, 1873.

No. 26.] AN ACT

To authorize the holding of a special term of the Circuit Court of Hale county, for the disposal of criminal business in the county of Hale.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a special term of the circuit

Authority conferred

 Time of special court, shall be holden in the county of Hale at the term county seat thereof, on the third Monday in the month of January, A.D. 1874.

SEC. 2. Be it further enacted, That said court Court, how reg shall be regulated and conducted under the same ulated rules as prescribed by law for the government of Proviso regular terms of circuit courts, Provided, that said special term shall continue in session until the entire criminal business now pending in the circuit court of said county shall be disposed of.

Approved, December 15, 1873.

No. 27.] AN ACT

To extend the time of holding the circuit court of Limestone county.

Term extended SECTION 1. Be it enacted by the General Assembly of Alabama, That the circuit court of Limestone county in the fourth judicial circuit may continue until the business is disposed of.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved, December 8, 1873.

No. 28.] AN ACT

To require the criminal docket in the circuit courts for Talladega county to be set for trial on the third week of the term.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the criminal docket for the county of Talladega, shall be set for trial on the third week of the circuit court of said county, any law or usage to the contrary notwithstanding.

Approved, December 17, 1873.

No. 29.] AN ACT

To amend section three of an act entitled an act to confer civil jurisdiction upon the city court of Mobile, approved February 13th, 1872.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 3 of an act entitled an act to confer civil jurisdiction upon the city court of Mobile, approved February 13th, 1872, which reads as follows, viz: (Section 3. Be it further enacted, That said city court shall meet for the trial of civil causes on the first Monday of February, May and October of each year, and may continue in session for the trial of civil causes until the last day of each of said months,(be so amended as to read as follows, viz: Section 3. Be it further enacted , That said city court shall meet for the trial of civil causes on the first Monday of February and May, and the second Monday of November in each year, and may continue in session for the trial of civil causes until the last day of each of said months.

Recitation

Amended
section

SEC. 2. Be it further enacted, That said section 3, as the same stands in the published acts of the State, is hereby repealed.

Approved, December 8, 1873.

No. 30.] AN ACT

To fix the time of holding the Chancery Courts for the Sixth District of the Eastern Division, composed of the county of Macon.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the chancery courts for the sixth district of the eastern chancery division, composed of the county of Macon, shall commence on the third Monday of May and December of each year, and may continue on week.

Time fixed.

SEC. 2. Be it further enacted, That all laws or parts of laws contravening the provisions of this act be, and the same are hereby, repealed.

Approved, December 17, 1873.

No. 31.]

AN ACT

To fix the time of holding the Chancery Courts for
the county of Cleburne.

Time fixed SECTION 1. Be it enacted by the General Assem-
bly of Alabama, That from and after the passage of
this act the chancery courts for the county of Cle-
burne shall be held on the sixth Monday after the
fourth Monday in May and the third Monday in
January of each year; or such other time as may be
When, if done fixed by the chancellor; which time, if fixed by said
by the chancel chancellor, shall be done at the next term of the
lor. court, and shall be the permanent time to continue
from year to year till changed by act of the General
Assembly.

Length of term SEC. 2. Be it further enacted, That the said
chancery courts may continue three days at each
term.

Approved, December 17, 1873.

No. 32.]

AN ACT

To create the Eleventh Chancery District of the
Northern Chancery Division.

Creation of SECTION 1. Be it enacted by the General Assem-
district bly of Alabama, That a new chancery district be,
and the same is hereby, created out of the county
of Morgan, to be known as the eleventh chancery
district of the northern chancery division of the
State of Alabama.

One term and SEC. 2. Be it further enacted, That there shall
time of be one term of the chancery court of said division
held for said district, at the courthouse, in the town
of Sommerville, in said county, on the first Monday
in February in each year, and may continue one
week.

Chancellor to SEC. 3. Be it further enacted, That the chancel-
appoint a regis lor shall appoint one register for said district, who
ter shall have his office at the courthouse, in Sommer-
ville, in said county, whose duties shall be the same
as those now required by law of registers in chan-

cery in this State, and who shall qualify in all respects before entering upon the duties of his office as other registers are now required to do by the laws of this State.

SEC. 4. Be it further enacted, That the register of the third district of said division be, and he is hereby, required to turn over to the register of the said eleventh district all the books, papers, files, together with a complete transcript of the rules, orders, minute, and docket entries in all the chancery business belonging to said eleventh district, composed of said county of Morgan, and take his receipt therefor, and for the bills of costs due him.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved, December 17, 1873.

Register of 3d
district to turn
over certain
documents

No. 33.] AN ACT

To establish a new Chancery District of the county of Covington.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a new chancery district, called the eighth district of the southern chancery division of Alabama, be, and the same is hereby, created, and that Covington county shall constitute said district.

SEC. 2. Be it further enacted, That the chancery court for said district shall be held at the courthouse for said county, by the chancellor of said division, on Wednesday after the third Monday in February and August in each year, and continue two days, or twice annually, at such other times as he may appoint.

SEC. 3. Be it further enacted, That on demand of the register of the new district, or any one interested, the register at Greenville, in the county of Butler, shall deliver to the register in chancery in said new district, upon his executing proper receipts therefor, all papers and documents pertaining to causes existing against any resident of Covington

county, and the court of said new district shall have full jurisdiction of such causes and parties thereto.

Approved, December 17, 1873.

No. 34.] AN ACT

To remove the guardianship of Lillie Bowden, a minor from the Probate Court of Butler county, Alabama, to the Probate Court of Shelby county in the State of Tennessee.

SECTION 1. Be it enacted by the General Assembly of Alabama, That upon the exhibition to the judge of the probate court of Butler county, Alabama, of the filing therein of properly authenticated transcripts of proceedings had in the probate court of Shelby county in the State of Tennessee, showing the appointment by said probate court of a guardian for Lillie Bowden, daughter of Bennett Bowden, deceased, formerly of Butler county, Alabama, and the acceptance of the trust by the person so appointed, it shall be the duty of the judge of said probate court of Butler county, on the application of such guardian so appointed in the State of Tennessee, to make all the orders that may be necessary for the removal and transfer of the guardianship of said minor, and of her estate, to the said probate court of Shelby county, Tennessee, and to the guardian by said court appointed.

SEC. 2. Be it further enacted, That upon such order of removal or transfer being made by said probate court of Butler county, the guardian appointed by said probate court of Shelby county, Tennessee, is hereby authorized to receive the moneys, moveable property, and effects of said minor, being or remaining in this State, and to receive the rents of the lands in this State belonging to said minor, and th same to remove from this State to the State of Tennessee.

Approved, December 12, 1873.

No. 35.] AN ACT

To remove the administration of the estate of Thomas C. Daniel, deceased, from the county of Autauga to the county of Perry.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the administration of the estate of Thomas C. Daniel, deceased, be, and the same hereby is, removed from the county of Autauga, to the county of Perry, in this state.

SEC. 2. Be it further enacted, That the judge of the probate court of said county of Autauga be, and he is hereby authorized and required to make and certify to the judge of the probate court of Perry county all such transcripts, exhibits, and abstracts of the records and papers in his office pertaining to said estate, as may be necessary to convey a sufficient knowledge of the condition of said administration, to enable the said judge of probate of Perry county, in taking jurisdiction of said estate, to act advisedly in the premises.

SEC. 3. Be it further enacted, That upon the reception of such transcripts, exhibits, and abstracts, the judge of probate of Perry county is hereby authorized and empowered to take jurisdiction of the administration of said estate.

Approved, December 17, 1873.

Removal of
administration

Duty of Probate
Judge of Autauga

Authority of
Probate Judge
of Perry

No. 36.] AN ACT

To authorize Angus McAllister, administrator of the estate of A.J. McAllister, deceased, to sell lands belonging to said estate.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Angus McAllister, administrator of the estate of A.J. McAllister, late of Henry county, Alabama, be and he is hereby authorized and empowered to sell the lands belonging to said estate at private sale, for division and distribution among the heirs-at-law and distributees of said estate, and without any order of the probate court of

Authority conferred

 said county of Henry (where said lands are situated) therefor, and to execute titles to the purchaser or Proviso purchasers; Provided, That the said Angus McAllister, as such administrator, shall, within sixty days after making sale of said lands, report the same to the judge of said probate court, who shall, if said lands have been sold for a fair price, and the purchase money paid or well secured, confirm the same; Provided further, That said sale shall not be confirmed until it shall be made to appear to the judge of probate of said county, by depositions taken as in chancery cases, that the real estate so sold can not be equitably divided between the heirs of A.J. McAllister, and that the minor heirs of A.J. McAllister, acting through a guardian ad litem duly appointed by said judge of probate, have had ten days previous notice of the taking of such depositions; Provided further, That said Angus McAllister shall be liable on his bond as such administrator for any devastavit, or failure to account for and properly distribute the proceeds of the lands, as now provided by law.

Approved, December 12, 1873.

No. 37.] AN ACT

To authorize David R. Leonard, the administrator of the estate of J. Glen Leonard, deceased, to sell the lands of said estate at private sale, without making application, proof, and obtaining an order of sale as is usually done.

Authority SECTION 1. Be it enacted by the General Assembly of Alabama, That David R. Leonard, the administrator of the estate, of J. Glen Leonard, deceased, be, and he is hereby authorized and empowered to sell the land belonging to said estate of J. Glen Leonard, without filing an application, making proof, and obtaining an order therefor; and he may sell the same at private sale.

Must report SEC. 2. Be it further enacted, That said David R. Leonard shall report said sale to the probate court of Shelby county, and have the same ratified and

confirmed, and the titles passed, as in other cases of sale of real estate by administrators.

Approved, December 17, 1873.

No. 38.] AN ACT

To authorize Ann S. Prince, administratrix of the estate of Oliver T. Prince, deceased, to sell certain lands of said estate at private sale, for the purpose of paying off the debts of said decedent.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Ann S. Prince, administratrix of the estate of Oliver T. Prince, deceased, be, and she is hereby, authorized to sell at private sale such real property belonging to said estate, situate in the counties of Hale and Tuskaloosa, as may be necessary for the purpose of paying the debts of said estate; Provided, That any such sale shall be reported within sixty days thereafter to the Judge of Probate of Tuskaloosa county, and shall be valid only when approved by him.

Approved, Dec. 17, 1873.

No. 39.] AN ACT

To amend sections six (6), ten (10), twelve (12) and fifteen (15) of an act entitled (an act to establish a City Court for the County of Lee, with criminal and civil jurisdiction, &c, and to repeal certain sections therein named.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sections six (6), ten (10), twelve (12) and fifteen (15) of an act entitled (an act to establish a City Court for the County of Lee, with criminal and civil jurisdiction, &c, approved March 20, 1873, which sections are as follows, to-wit: Section 6. Be it further enacted, (That said court shall have concurrent jurisdiction with the cir-

Authority to sell

Sale to be reported

Recitation

 cuit court of Lee county of all offenses against the criminal laws of this State committed in said county and concurrent jurisdiction with said court in civil cases; and that the powers and jurisdiction of the circuit courts of this State be, and the same are hereby, conferred on the city court of Lee county to the extent above provided; and in order to confer on said court the same powers and authority as is now or may hereafter be conferred upon the circuit courts of this State in the exercise of like jurisdiction, it is declared that all laws conferring jurisdiction in any case upon the circuit courts in this State giving them power to hear and determine causes, appoint and remove their officers, punish contempts,

Regulate their practice and form of process, prescribing the duties of their officers and of sheriff and coroner, allowing established fees for each officer, providing for the collection thereof, or requiring of such officers official oaths and bonds, shall be held

To extend to said court and its officers as fully as they extend to the circuit courts of this State.(Section 10. Be it further enacted, (That the grand jurors for said court shall be drawn from the persons liable to jury duty in the county of Lee, shall be empannelled in the same manner as if or may be provided by law for grand jurors of the circuit court, and a venire issued therefor in the manner provided by law; and that the petit jurors for said court shall be drawn and empannelled in the same manner as now provided by law for the circuit courts; and the said court shall have the same power to summon tales jurors as the circuit courts has.(Section 12. Be it further enacted, (That the salary of the judge of the court is hereby established shall be one thousand dollars a year, which shall not be diminished during his continuance in office, except with his consent, and be payable quarterly at the treasury of the county of Lee, upon his order, out of any money in the treasury unappropriated; and for the remuneration of said county for the payment of the same the fines and forfeitures of all States cases in said court shall be paid into said treasury in preference to any other appropriation of the same, and shall be collected in money or lawful currency, which alone is authorizes to be received in payment of all

such fines and forfeitures ; and in all cases which shall be tries in said court herein established in which the defendant, after conviction, shall be un able to pay the costs of prosecution, the same shall be paid out of the fines and forfeitures which have accrued, or may accrue, in criminal cases in said court.(Section 15. Be it further enacted, (That the venue in any case in said court may be changed to the circuit court of some other county under the same rules and regulations that now, or may here- after, govern changes of venue; the circuit court trying case, upon conviction, shall order the fine or forfeiture when collected to be paid to the clerk of said court herein established,(be amended so as to read as follows, to-wit:

SEC. 6. Be it further enacted, That said court shall have concurrent jurisdiction with the circuit court of Lee county in civil cases; and that the pow- ers and jurisdiction of the circuit courts of this State be, and the same are hereby, conferred upon said city court, to the extent above provided; and in order to define more clearly the jurisdiction and powers of said city court, it is declared that all laws now in force, or which may hereafter be enacted, conferring, generally, on circuit courts jursidiction in civil cases, giving them power to hear and deter- mine the same, to appoint and remove their officers, punish contempts, regulate their practice and forms of process, prescribing the duties of their officers, and of sheriff and coroner, allowing established fees for each officer, providing for the collection thereof, or requiring of such officers official oaths and bonds, shall be held to extend to said city court as fully as they extend to the circuit courts of this State.

SEC. 10. Be it further enacted, That petit ju- rors for said court shall be drawn from the same box, in the same manner, by the same officers, and at the same time prior to the term for which they are to serve, as petit jurors for the circuit court are drawn, except that the clerk of the city court shall be present and participate in such drawing in place of te clerk of the circuit court; and the said city court shall have the same power to summon tales jurors as the circuit court has.

SEC. 12. Be it further enacted, That the salary

Concurrent jurisdiction
with circuit courts
in civil cases

More fully defined

Petit jurors; how drawn

of the judge of said court shall be one thousand dollars a year, which shall not be diminished during his continuance in office, without his consent, and judge be payable quarterly, upon his order, by the treasurer of Lee county out of any money in the treasury unappropriated, and in addition to the compensation above provided, the judge of said court shall also be entitled to receive three dollars in each case instituted in said court and not litigated, and five dollars in each litigated case, to be taxed as costs against the unsuccessful party.

SEC. 15. Be it further enacted, That the venue Change of in any civil case in said court may be changed to venue the circuit court of some other county, under the same rules and regulations that now, or may hereafter govern changes in venue in the circuit courts, and at the first term of said city court, after the passage of this amendatory act, the judge shall cause an entry to be made in the minutes of said court, transferring to the circuit court of Lee county, all criminal cases then pending in said city court, and the clerk of said city court shall thereupon deliver to the clerk of said circuit court all indictments and other original papers relating to criminal cases in said city court, and such cases shall be tried in said circuit court, as if they had originated therein.

SEC. 2. Be it further enacted, That said sections Repeal of orig six (6), ten (10), twelve (12) and fifteen (15), as they in al sections stand in the original act establishing the city court amended of Lee county, be, and the same are hereby, repealed.

SEC. 3. Be it further enacted, That sections four- Repeal of teen (14), seventeen (17), nineteen (19), twenty (20), other sections twenty-one (21), and twenty-two (22) of an act entitled (an act to establish a city court for the county of Lee, with criminal and civil jurisdiction, &c, approved March 20th, 1873, be, and the same are hereby repealed.

Approved, December 17, 1873.

No. 40.]

AN ACT

To regulate the disposition and management of a bequest made by James Wallace, late of Lawrence county Alabama, for the benefit of free public schools in township seven, range nine, west; in said county.

WHEREAS, James Wallace, late of said county, of Lawrence and State of Alabama, by his last will and testament bequeathed a certain legacy for the benefit of free public schools in township seven, range nine, west; in Lawrence county Alabama; and whereas, said will made no provision to whom the payment of said bequest should be made now in order to carry out the provisions of said will:

SECTION 1. Be it enacted by the General Assembly of Alabama, That Robert J. Warren, who has been heretofore to-wit; on the fourteenth day of June one thousand eight-hundred and seventy-three, by the male citizens of township seven, range nine, west of Lawrence county, elected trustee of the fund, bequeathed to said township by the late James Wallace, deceased, be, and is hereby declared trustee of said fund.

SEC. 2. Be it further enacted, That the said Robert J. Warren, before entering upon the duties of his said office, as trustee, shall enter into bond in double the amount of the trust fund, payable to the trustees of free public schools in said township, and their successors in office, conditioned to faithfully perform the duties of said office, said bond to be approved by the trustees of free public schools in said township, and secured by mortgage on real estate duly executed to the said trustees of free public schools.

SEC. 3. Be it further enacted, That said Robert J. Warren, shall hold said office for the term of five years from the approval of this act.

SEC. 4. Be it further enacted, That five years from the passage of this act and every five years thereafter, it shall be the duty of the trustees of free public schools in said township, to hold an election in the town of Mt. Hope, for the office of trustee under this act, at which election all male citizens

Preamble

Robert J. Warren
declared trustee

Trustee to give
bond

To hold office
five years

Election of
successor

 resident in said township over and above the age of twenty-one years, shall be legal voters. Ten days notice of said election being posted up at Mount Hope and three other public places in said township.

SEC. 5. Be it further enacted, That the officer Term of office so elected shall hold his office for the term of five of successor years from the time of his said election, and before and bond entering upon the duties thereof, shall give bond payable, approved and secured as by this act is required of said Warren.

Vacancy, how SEC. 6. Be it further enacted, That upon the re-filled removal, death, or resignation of the trustee provided for under this act, the trustees of free public schools of said townships, are hereby authorized to hold an election to fill the vacancy thus occurring, first giving the notice required for regular elections under this act.

SEC. 7. Be it further enacted, That it shall be Trustee to re- the duty of said Robert J. Warren, after having ceive the fund given bond as by this act, required to receive and receipt for the funds bequeathed, from the administrator with the will annexed of said James Wallace, and the receipt of said trustee to said administrator, shall be a full acquittance and release of said administrator.

SEC. 8. Be it further enacted, That it shall be the Interest to be duty of said trustee, to pay over to the trustees of paid annually free public schools in said township on the first day of January, of each and every year, the interest at wight per cent. annually occurring on said trust fund.

Trustees to SEC. 9. Be it further enacted, That it shall be pay fund to the duty of the trustees of free public schools in teachers said township, to pay out to the teachers of free public school in said township, the fund by them received pursuant to above section in proportion to the number of days each pupil living, and resident in said township actually attends said fee schools.

SEC. 10. Be it further enacted, That it shall be Duty of suc the duty of the succeeding trustee elected under ceeding trustee this act, to call a settlement the former trustee, his executors or administrators, and the said former trustee shall not be released from his said bond or the mortgage given by him to secure the same, shall

not be satisfied until the former trustee, his executor, or administrator, has made his settlement in full and obtained from his successor his receipt in full.

Approved, December 11, 1873.

No. 41.] AN ACT

To repeal an act entitled, (An act in relation to the fine and forfeiture fund of Tuskaloosa county, and other counties therein named, (approved March 27, 1873, so far as the same related to Choctaw county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled (An act in relation to the fine and forfeiture fund of Tuskaloosa county, and other counties therein named, (approved March 27, 1873; which reads as follows; Section 1. Be it enacted by the General Assembly of Alabama, That all fines and forfeitures assessed or imposed by any court in the counties of Tuskaloosa, Russell, Dallas, Choctaw, Lowndes, Cherokee, Calhoun, Etowah, Blount, Barbour, Chambers and Colbert, shall be collected by the officer, whose duty it is to make such collections, in lawful money of the United States alone. Section 2. Be it further enacted, That all sums of money received by any officer of said counties, for, and on account of the hire of persons sentenced to hard labor for said counties, shall constitute a part of the fine and forfeiture fund, and shall be paid over to the treasurer of said counties, which said fund shall be expended as herein after provided. Section 3. Be it further enacted, That all claims against the fine and forfeiture fund of said counties, shall be paid by the county treasurers, out of said fund, in the order in which the said claims have been registered. Section 4. Be it further enacted, That all laws and parts of laws conflicting with or in any wise contravening the provisions of this act, be, and the same are hereby repealed, (be and the same is hereby repealed, so far as the same relates to the counties of Choctaw and Blount.

Recitation

Repealed as to
Choctaw and
Blount

 SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and they are hereby repealed.

Approved, December 8, 1873.

NO. 42.] AN ACT

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale, and Lawrence, approved March 3rd, 1870, so far as the same relates to the counties of Jefferson and Walker.

Repealed, as SECTION 1. Be it enacted by the General Assembly of Alabama, That the foregoing act, approved March 3d, 1870, be, and the same is hereby repealed, so far as the same relates to the counties of Jefferson and Walker.

Approved, December 8, 1872.

No. 43.] AN ACT

To prohibit the sale or giving away of vinous or spirituous liquors within two miles of Gaylesville High School, in Cherokee county; within two miles of Methodist Church, South, known as (Harmony, (Elmore county; within two miles of Hopewell Methodist Church and Hopewell Academy, in the county of Lowndes; within three miles of the Notasulga Academy, in Macon county, and within three miles of the town of Vernon, Sanford county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the first day Prohibited af of January, 1874, it shall be unlawful for any person or persons to sell or giveaway, or otherwise dispose of any vinous or spirituous liquors within two-

miles of Gaylesville High School, in Cherokee county; within two miles of Methodist Church, South, known as (Harmony,(Elmore county; within two miles of Hopewell Methodist Church and Hopewell Academy, in the county of Lowndes; within three miles of the Notasulga Academy, in Macon county, and within three miles of the town of Vernon, Sanford county; Provided, That this act shall not be so construed as to prevent any person or persons from selling or giving to another, vi-
nous or spiritous liquors upon the production of written certificate from a licensed physician of the neighborhood that the same is necessary and for medical purposes, and then the same shall not be sold or given in less quantities than a quart.

SEC. 2. Be it further enacted, That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall not be fined less than fifty or more than two hundred dollars, and confined in the county jail or placed at hard labor for the county for not less than one month or more than six months, one or both, at the discretion of the court trying the same. The solicitor shall be entitled to a fee of twenty dollars for each conviction under this act.

SEC. 3. Be it further enacted, That all laws or parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved, Dec. 17, 1873.

Proviso

Allowed upon
physicians
certificate

Penalty

Solicitor(s fee

No. 44.]

AN ACT

To prohibit any person from selling, giving away, or otherwise disposing of spirituous liquors with-
in four miles of the following named churches:
(Letohatchie Methodist,((Tabernacle Metho-
dist,(in Montgomery county, six miles northeast
of Letohatchie; (Steep Creek Baptist Church,(
three and one-half miles northwest of Letohatchie,
in the county of Lowndes, and Pleasant Valley
Methodist Church, in said county.

SECTION 1. Be it enacted by the General Assem-

 bly of Alabama, That from and after the passage
 Prohibition of this act, it shall be unlawful for any person to
 sell, give away, or in any way dispose of spirituous
 liquors within four miles of the Methodist Church
 at Letohatchie, in the county of Lowndes; the Tab-
 ernacle Methodist, in Montgomery county, six miles
 northeast of Letohatchie, and (Steep Creek
 Church,(three and one-half miles northwest of
 Letohatchies, in the county of Lowndes, and Pleas-
 ant Valley Methodist Church, in said county.

SEC. 2. Be it further enacted, That any person
 Penalty so offending shall be fined not less than one hun-
 dred dollars, and upon default to pay the same shall
 be imprisoned in the county jail, or sentenced to
 hard labor for the county for not less than two
 months, at the discretion of the court trying the
 same.

Approved, Dec. 13, 1873.

NO. 45.] AN ACT

To prohibit the sale or giving away of spirituous
 liquors within five miles of Sulphur Springs
 Church, Cane Creek Church, Oak Bowery Church,
 Mount Zion Church, and Hebron Church, in Cal-
 houn county, and Blue Eye Church, Refuge
 Church, Patton(s Chapel Church, Bethel Church,
 Forrest Hill Church, and the colored people(s
 church (near Forrest Hill), in Talladega county,
 Alabama.

SECTION 1. Be it enacted by the General Assem-
 by of Alabama, That from and after the passage of
 Prohibition this act it shall be unlawful for any person or per-
 sons to sell or give away spiritous liquors or intox-
 icating bitters, within three miles of the following
 named churches, viz: Sulphur Springs Church.
 Cane Creek Church, Oak Bowery Church, Mount
 Zion Church, and Hebron Church, in Calhoun
 county, and Blue Eye Church, Refuge Church,
 Patton(s Chapel Church, Bethel Church, Forrest
 Hill Church, and the church of the colored people
 (near Forrest Hill), in Talladega county, Alabama.

SEC. 2. Be it further enacted, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than fifty nor more than five hundred dollars, and may be sentenced to hard labor for the county for not less than two nor more than six months, one or both, at the discretion of the court trying the same.

Penalty

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved, Dec. 8, 1873.

No. 46.] AN ACT

To prohibit the sale, gift, or barter of intoxication liquors within two miles of Marble Spring Presbyterian Church, Owen Spring Methodist Church, Salem Baptist Church, and the town of Estaboga, in Talladega county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the date of the passage of this act, it shall be unlawful for any person or persons to sell, give away, or barter any vinous, spirituous or malt liquors, or any bitter of which any intoxicating liquor is a component part, within two (2) miles of Marble Spring Presbyterian Church, Owen Spring Methodist Church, Salem Baptist Church, and the town of Estaboga, in Talladega county.

Prohibition

SEC. 2. Be it further enacted, That any person violating the provisions of this act shall be guilty of a misdemeanor, and must, upon conviction, be imprisoned in the county jail or sentenced to hard labor for the county for not less than three nor more than six months, and may also be fined not more than five hundred dollars.

Penalty

Approved, Nov. 25, 1873.

No. 47.]

AN ACT

To prohibit the sale or giving away of any vinous or spirituous liquors within four miles of the Round Mountain Iron Works, and Tecumseh Iron Works, or coaling grounds, in Cherokee county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall not be lawful for any person to sell or give away any vinous or spirituous liquors within four miles of the Round Mountain Iron Works, and Tecumseh Iron Works, or coaling grounds, in Cherokee county, unless a medicine, under written prescription of a physician, designating the patient, and quantity to be administered.

SEC. 2. Be it further enacted, That any person violating the provisions of the foregoing section shall be decreed guilty of a misdemeanor, and may be indicted therefor, and, on conviction, must be fined not less than fifty dollars, and stand committed till fine and costs are paid or secured.

SEC. 3. Be it further enacted, That in case of failure to pay or secure said fine and cost, it is made the duty of said court to sentence the defaultant to labor three months for the use of the county.

Approved Dec. 17, 1873.

 No. 48.]

AN ACT

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters, or other intoxicating beverages, within two miles of Yorgesboro, a station on the Western Railroad of Alabama, and within one and a quarter miles of the kilns of the Chewacla Lime Company, both in the county of Lee.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away or otherwise dispose of spirituous, vinous, or malt liquors, intoxicating bitters, or other intoxicating beverages, within two miles of

Yongesboro station, on the Western Railroad of Alabama, or within one and a quarter miles of the kilns of the Chewaca Lime Company, both in the county of Lee, unless the same shall be sold or administered for family medicinal purposes under a medical prescription.

SEC. 2. Be it further enacted, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than one hundred dollars, and may be imprisoned in the county jail for not less than thirty days, at the discretion of the judge trying the case, and on failure to pay, or secure to be paid said fine and the costs, shall be sentenced to hard labor for the use of the county in which such conviction is had for not less than fifty days.

Approved, December 17, 1873.

Penalty

No. 49.]

AN ACT

To amend an act entitled (an act to prevent the sale of liquor within a mile of Choccolocco Bridge, on Truss(Ferry road, in Talladega county,(approved January 27th, 1872.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the above recited act, as proved January 27th, 1872, be so amended as to read as follows, to-wit: Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, ti shall not be lawful for any person to sell, give or deliver to another person any vinous, malt or spiritous liquor, in any quantity, within one mile of th bridge across Choccolocco Creek, on the public road leading from the city of Talladega to Truss(ferry, in Talladega county.

Section as amended

SEC. 2. Be it further enacted, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fines not less than fifty, and not more than two hundred dollars, at the discretion of the jury

Penalty

 trying the cause, in any court of competent jurisdiction in said county.

SEC. 3. Be it further enacted, That the act as Former act it now reads, to which this act is an amendment, repealed proved January 27, 1872, be, and the same is hereby repealed.

Approved, December 17, 1873.

No. 50.] AN ACT

To prohibit the sale, giving away, or otherwise disposing of vinous, spiritous or malt liquors, intoxicating bitters, or other intoxicating beverages within two and a half miles of the Pierce Coal Mines, in section 12, township 14, range 3, west, and also within two and a half miles of New Castle Coal Mines, in Jefferson county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage Prohibition of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of vinous, spirituous, or malt liquors, intoxication bitters, or other intoxication beverages, within two and a half miles of the Pierce Coal Mines, in section 12, township 14, range 3, west, and also within two and a half miles of New Castle Coal Mines, in Jefferson county.

SEC. 2. Be it further enacted, That any person Penalty or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than one hundred dollars for each offense, and may be imprisoned in the county jail not exceeding sixty days, at the discretion of the court or jury trying the same.

SEC. 3. Be it further enacted, That the provisions of the foregoing sections shall not be so construed as to prohibit physicians from prescribing scribe spirituous liquors of any kind in their practice, or the use of wine for sacramental purposes, nor shall they be so construed as to prohibit the manufacture, use or disposal in any way of domestic wines; nor

further, so as to prohibit one person from giving to any other person one or more drinks of such liquors in his private residence, if such residence is not in any way connected with or a part of a hotel, store or shop, or other house where public business is carried on or transacted : Provided, Such use is restrained within the limits of temperance.

Approved, December 17, 1873.

One person may
give at his residence

No. 51.] AN ACT

Making it unlawful for any person to sell, give, or make use by drinking in a public place, any vinous or spirituous or intoxicating liquors in, at, or within five miles of the town of Centre, the county seat of Cherokee county, and for other purposes as therein shown.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person to sell, give, or make use of by drinking in a public place, any vinous or spirituous or intoxicating liquors, in, at, or within five miles of the town of Centre, the county seat of Cherokee county. A public place within the meaning and intention of this act, shall be understood to be any hotel, storehouse, office, shop, or public buildings, or other place where the public have a right to go, including all the streets, alleys, and commons of said town, also the public square, public well, and jail-yard and curtilages, and all the grounds, stables, and lots connected with and constituting a part of the premises of the hotel; and any person violating the provision of this section of this act shall be deemed and held to be guilty of a misdemeanor, and subject to indictment, and must on conviction, be fined in a sum not less than fifty dollars, nor more than one hundred dollars, at the discretion of the jury trying the same, and must stand committed until fine and cost are paid, or secured, and in the event the same is not secured, the court must sentence the defendant to labor for the county for three months.

Prohibition in a
public place

Meaning of
(public place.)

Penalty

SEC. 2. Be it further enacted, That if any person

 Penalty for ap appear publicly in said town, or within five miles of
 pearing intoxi- the same, in a state of intoxication from the use of
 cated. vinous of any alcoholic drink, he shall be deemed
 guilty of a misdemeanor, and may be arrested by
 the order or warrant sued out before any justice of
 the peace of the county, or issued upon his own ob-
 servation, and be fined in a sum not less than one nor
 more than five dollars for such offense, and to be
 committed till fin and cost are paid.

SEC. 3. Be it further enacted, That this act shall
 When act is if go into effect from and after the twenty-second day
 force of December, inst.

Approved, December 17, 1873.

No. 52.] AN ACT

To prohibit the sale of giving away spirituous, vi-
 nous or malt liquors within two and a half (2)
 miles of Dudleyville Academy, in the county of
 Tallapoosa.

SECTION 1. Be it enacted by the General Assem-
 bly of Alabama, That from and after the passage
 Prohibition of this act it shall not be lawful for any person to
 sell or give away spirituous, vinous or malt liquors
 within (2) two and one-half miles of Dudleyville
 Academy, in or near the village of Dudleyville, in
 the county of Tallapoosa, except for medical pur-
 poses, as may be prescribed by a physician.

SEC. 2. Be it further enacted, That any person or
 Penalty persons who shall violate the provisions of this act
 shall, on conviction, thereof, be fined not less than
 fifty dollars for every such conviction, at the discre-
 tion of the court trying the same.

SEC. 3. Be it further enacted, That all laws and
 parts of laws contravening the provisions of this act
 are hereby repealed.

Approved, December 13, 1873.

No. 53.] AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, in toxicating bitters, or other intoxicating beverages within three miles of Enon, Cumberland Presbyterian Church in Jefferson county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of spirituous, vinous or malt liquors, intoxicating bitters, or other intoxicating beverages, within three miles of Enon Church, near W.C. Burford, Cumberland Presbyterian in Jefferson county.

Prohibition

SEC. 2. Be it further enacted, That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty nor more than two hundred dollars, and may be imprisoned in the county jail not exceeding sixty days at the discretion of the court or jury trying the same.

Penalty

SEC. 3. Be it further enacted, That the provisions of the foregoing sections shall not be so construed as to prevent physicians from using the enumerated liquors in their practice, or for the use of wine for sacramental purposes; nor shall they be so construed as to prohibit the manufacture or use of domestic wines, or so as to prevent one person from giving to another, one or more drinks of such liquors in his private residence, if such residence is not in any way connected with or part of a tavern, hotel, store, or shop, or other house where public business is carried on or transacted: Provided such use does not transcend the limits of temperance.

Use for Medical
and sacramental
purposes allowed.

Other exceptions

Approved December 11, 1873.

No. 54.] AN ACT

To prohibit the sale of vinous or spirituous liquors,
within three miles of Smith(s Camp Ground, lo-
cated in the county of Choctaw.

SECTION 1. Be it enacted by the General Assem-
bly of Alabama, That from and after the pass(
Prohibition age of this act, it shall be unlawful for any person
or persons to sell, or otherwise dispose of any vinous
or spirituous liquors, within three miles of Smith(s
Camp Ground, located in the county of Choctaw,
Penalty Alabama, and any person or persons so offending,
shall be fined not less than fifty nor more than one
hundred dollars, and on failure to pay the fine,
shall be imprisoned in the county jail or sentenced
to hard labor for the county for not longer time than
twelve months, at the discretion of the court trying
the same.

Approved, December 8, 1873.

No. 55.] AN ACT

To prohibit the sale or otherwise disposing of spir-
ituous vinous, or malt liquors, within two and
one half miles of the (Choctaw Camp Ground,(
in Choctaw County during certain times.

SECTION 1. Be it enacted by the General Assem-
bly of Alabama, That from and after the passage
Prohibition of this act, it shall be unlawful for any person or
and the persons to sell, give away, or otherwise dispose of
period any spirituous, vinous, or malt liquors, or any in-
toxicating bitters, within two and one-half miles of
the (Choctaw Camp Ground,(in Choctaw county,
for five days previous to and during the continuance
of the annual religious services known as camp
Physicians meetings held at such grounds : Provided, That
may this act shall not prevent physicians from prescrib-
prescribe ing (spirits(for medicinal purposes during such
time.

SEC. 2. Be it further enacted, That any person
Penalty or persons violating the provisions of this act shall

be guilty of a misdemeanor, and on conviction thereof, shall he fined not less than fifty (\$50) nor more than two hundred (\$200) dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for not less than two months at the discretion of the jury during the same.

SEC. 3. Be it further enacted, That the solicitor shall be entitled to a fee of twenty-five (\$25) dollars for the conviction of each defendant for a violation of this act, to be taxed as cost against each defed- and so convicted.

Solicitor(s fee

SEC. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and they are hereby, repealed.

Approved, December 3, 1873.

No. 56.] AN ACT

To prohibit the selling of vinous, spirituous or malt liquors, or intoxicating bitters, within three miles of Piny Grove Church and school house, in Morgan county.

SECTION 1. Be it enacted by the General Assem- bly of Alabama, That it shall be unlawful for any person to sell, or give away vinous, spirituous or malt liquors, or intoxicating bitters, within three miles of Piny Grove Christian Church and school house in Morgan county.

Prohibition

SEC. 2. Be it further enacted, That any person violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred, nor more than five hundred dollars at the discretion of the court trying the same: Provided, This bill shall not prevent physi- cians from using the same for medical purposes.

Penalty

Approved, Dec. 3, 1873

No. 57.] AN ACT

To prohibit the sale of spirituous liquors within
three miles of either of the churches in the village
of Salem, in the county of Lee.

SECTION 1. Be it enacted by the General Assem-
bly of Alabama, That from and after the first day
Prohibition of January, 1874, it shall be unlawful for any per-
son or persons to sell otherwise dispose of any
spirituous, vinous, or malt liquors within three miles
of either of the churches in the village of Salem, in
Penalty Lee county, and any person so offending shall be
fined not less than one hundred, nor more than five
hundred dollars, to be recovered before any court
having jurisdiction.

Approved Nov. 25, 1873.

No. 58.] AN ACT

To prohibit the sale, gift, or barter of intoxicating
liquors within five miles of Jackson Shoals, in
Talladega county.

SECTION 1. Be it enacted by the General Assem-
bly of Alabama, That from and after the date of
Prohibition the passage of this act, it shall be unlawful for any
person or persons to sell, give away, or barter any
vinous, spirituous or malt liquors, or any bitters of
which any intoxicating liquor is a component part,
within five miles of Jackson Shoals, on Choccolocco
creek, in township seventeen (17), range five (5), in
Talladega county.

SEC. 2. Be it further enacted, That any person
Penalty violating the provisions of this act shall be guilty of
a misdemeanor, and must, upon conviction, be im-
prisoned in the county jail, or sentenced to hard
labor for the county for not less than three nor
more than six months, and may also be fined not
more than five hundred dollars.

Approved, Nov. 25, 1873.

No. 59.] AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within two miles of Mount Hilliard Church, in Bullock county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors within two miles of Mount Hilliard Church, in the county of Bullock.

Prohibition

SEC. 2. Be it further enacted, That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty nor more than two hundred dollars, or sentenced to hard labor for the county for not less than two nor more than six months, at the discretion of the court trying the same.

Penalty

Approved, December 17, 1873.

No. 60.] AN ACT

To provide for the payment of the debt of Butler County.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Butler county is hereby authorized and empowered to issue bonds of said county to such an amount as said court shall deem necessary and expedient, not to exceed the sum of twelve thousand dollars, to be issued for the purpose of taking up their bonds, of the county which fall due the first of April, 1874, and for the payment of such other indebtedness of the county as shall be outstanding but exclusive of such claims as are payable out of (fines and forfeiture fund.)

Authority to issue
bonds

Limit of issue

SEC. 2. Be it further enacted, That the bonds authorized to be issued by the first section of this

Period the bonds
run and interest

 act shall become due and payable in ten years from the date of issue, and shall bear interest at the rate of eight per cent. per annum, payable semi-annually.

SEC. 3. Be it further enacted, That all bonds Bonds, how issued under this act shall be signed by the probate signed judge of said county, and countersigned by the treasurer, and shall have attached thereto coupons signed by the treasurer, and numbered to correspond with the bond, setting forth the amount of interest which will be due at the time named in said What receive- coupons, which coupons, when due, shall be receivable for. able in payment of any dues to the county ; and

Both bonds and coupons, when due, shall be paid out of the county treasury whenever presented to the treasurer. The impression of the county seal shall attached to each of said bonds, but no State stamp shall be required thereon.

SEC. 4. Be it further enacted, That the treasurer Bonds to be of said county shall keep a book, in which he shall registered by register the number, description and amount of all County Treas bonds issued by him under the provisions of this urer act; and to whom issued, and the amount received for the same, and he shall issue said bonds on the order only of the court of county commissioners of said county.

SEC. 5. Be it further enacted, That the bonds Purposes for issued under the provisions of this act, or the pro- which the bonds ceeds arising from the sale thereof, shall be used for are alone to be no other purpose than to pay off and discharge the used indebtedness of said county, as provided in the first section of this act.

SEC. 6. Be it further enacted, That said court of Exchange at county commissioners are hereby authorized to ex- par for out- change at par any of the bonds issued under this standing bonds act for bonds now outstanding, and also for such other indebtedness as, by the provisions of the first section of this act, is authorized to be paid out of the proceeds of said bonds, whenever this exchange cannot be made, the bonds must be sold, and the proceeds applied as required by the first section of this act.

Authority to SEC. 7. Be it further enacted, That the said court levy a special of county commissioners shall have power, and it is tax. hereby made their duty, to levy, from time to time,

for each and every year, a special tax, sufficient to pay the interest coupons as they become due, and also to create a sinking fund sufficient to redeem the bonds when they become due, which special tax shall be collected in the same manner as other county taxes.

SEC. 8. Be it further enacted, That the special tax authorized by this act to be levied, shall be set apart and kept separate and distinct from all other county funds, and shall be applied exclusively to the payment of the principal and interest of the bonds issued under this act, until they are all paid, including the cost of preparing said bonds.

Approved December 13, 1873.

Special tax to
be kept distinct
from other funds

No. 61] AN ACT

To amend sections 1,314 and 1,317 of the Revised Code of Alabama, so far as the same relates to Calhoun county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1,314 of the Revised Code, which is as follows: (Section 1,314. Proceeding to change, when a new road is to be established or an old road changed, the court must issue an order to seven disinterested householders of the county to view and mark out the best route for such proposed road,) Be, and the same is hereby amended so as to read as follows: (Section 1,314. Proceedings to change. When a new road is to be established, or an old road changed, the court must issue an order to three disinterested householders to view and mark out the best route for such proposed road.)

Recitation of
section 1314

SEC. 2. (Section 1, 317. Damages to owner of land. When a new road is established, or an old road changed, any owner of the land which it passes may, within six months after the making of an order for the opening of such new road, make application to the court of county commissioners for damages resulting to his land from its establishment, and the court must appoint the viewers, or a jury of seven disinterested householders, who must, before

Recitation of
section 1317

 acting, be sworn truly to inquire and assess such damages, taking into consideration the advantages and disadvantages which will probably accrue from the road, ((be so amended as to read as follows:
 Amended sec- (Section 1,317. Damages to owner of land. When
 1317 a new road is established or an old road changed, any owner of the land over which it passes may, within six months after the making of an order for the opening of such new road, make application to the court of county commissioners for damages resulting to his land from its establishment, and the court must appoint the viewers, or a jury of three disinterested householders, who must, before acting, be sworn truly to inquire and assess such damages, taking into consideration the advantages and disadvantages which will probably accrue from the road.
 Approved, December 17, 1873.

No. 62.] AN ACT

To repeal an act entitled an act requiring the justices of the peace of Chambers and Cleburne counties to act as apportioners and supervisors of public roads in their respective beats, approved December 16, 1871, so far as it relates to Chambers county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act requiring the justice of the peace of Cleburne and Chambers counties to act as apportioners and supervisors of public roads in their respective beats, approved December 16, 1871, be, and the same is hereby repealed, so far as it related to the county of Chambers.

Approved, November 26, 1873.

No. 63.] AN ACT

To repeal an act entitled an act declaring White Water, in Coffee county, a public highway, approved February 29, 1848.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act declaring White Water, in Coffee county, a public highway, approved. February 29, 1848, be, and the same is hereby repealed.

Approved December 17, 1873.

No. 64.] AN ACT

To amend section six hundred and fiftytwo (652) of the Revised Code of Alabama, so far as relates to the county of Choctaw.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section six hundred and fiftytwo (652) of the Revised Code of Alabama, which reads as follows: "In case of the loss or destruction of the records of deeds, decrees and other papers required by the laws of this State to be recorded in the office of the courts of probate, the judge of such court shall have the same authority as in the preceding sections is conferred upon circuit and chancery courts to establish and substitute such record of deeds, decrees and other papers; and all papers and deeds which may have been recorded in his office according to law, the record of which has been lost or destroyed, may be recorded anew, upon which record the judge of probate shall also enter all such endorsements or certificates as may have been attached to such papers or deeds by the former recording officer, and said records, when so made, shall have the same force and effect as the original records which were lost or destroyed; and for the services herein directed the probate judge shall receive such compensation, to be paid in such manner as the court of county commissioners may allow and direct, (be so amended, so far as it relates to Choc-

Recitation

 Amended section law county, so as to read as follows: (In case of the loss or destruction of the records of deeds, decrees, and other papers required by the laws of this State to be recorded in the office of the court of probate, the judge of such court shall have the same authority as in the preceding sections is conferred upon circuit and chancery courts to establish and substitute such records of deeds, decrees, and other papers; and all papers and deeds which may have been recorded in his office according to law, the record of which has been lost or destroyed, may be recorded anew, upon which record the judge of probate shall also enter all such endorsements or certificates as may have been attached to such papers or deeds by the former recording officer, and said records, when so made, shall have the same force and effect as the original records which were lost or destroyed; and for the services herein directed the probate judge shall receive such compensation as is by law allowed him for recording deeds, decrees and other papers, to be paid by the person having such substitution made.

SEC. 2. Be it further enacted, That all laws and parts of laws contravening the provisions of this act be, and they are hereby, repealed.

Approved December 12, 1873.

No. 65.] AN ACT

To amend an act entitled (An act to authorize the Commissioners Court of Conecuh county to levy a special tax, (approved December 10th, 1868, which is as follows; Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners(of the County of Conecuh be, and they are hereby authorized to levy a special tax of fifty per cent. on the State tax of said county, in addition to the fifty per cent. allowed to be assessed, to be collected in currents funds, to be applied specially to the payment of the grand and petit jurors of said county, and for other special purposes, any law

to the contrary notwithstanding, be amended as follow, to-wit.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of the county of Connecuh be, and they are hereby authorized to levy a special tax of fifty per cent. on the State tax of said county, in addition to the fifty per cent. already allowed to be assessed, to be collected in current funds, and to be applied specially to the payment, 1st, of the grand and petit jurors, 2d, to the payment of the outstanding registered claims against said county, or claims that may hereafter be registered as by law required, commencing with th oldest registered claims now outstanding, and so on through the entire indebtedness of said county.

Amended section.

Special tax, how
To be applied.

SEC. 2. Be it further enacted, That the county treasurer of said county, shall keep the fund arising under this act separate and apart from the general fund, and shall pay it out as provided in the first section of this act.

To be kept
Separate.

SEC. 3. Be it further enacted, That for failure or refusal on the part of the treasurer of said county, to keep and pay out the money arising under this act, as provided in the 1st and 2nd sections of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, in any court of competent jurisdiction, shall be fined not less than five hundred dollars.

Penalty.

SEC. 4. Be it further enacted, That said act as it stood before amended be, and the same is hereby repealed.

Approved, December 12, 1873.

No. 66.]

AN ACT

To lay off the County of Conecuh into four Commissioners Districts.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county of Conecuh be, and the same is hereby divided into four commis-

What each dis- sioners districts, and that the following precincts
 trict shall com- now established by law, shall compromise said dis-
 prise- tricts, to-wit: First District, Mixon(s Store, Jack-
 son(s Store, and Breckenridge; Second District,
 Gravella, Evergreen, and Sparta; Third District,
 Belleville, Brushy Creek Church, and Castleberry(s
 Station; Fourth District, Brooklyn, Jamestown,
 and Old Town.

SEC. 2. Be it further enacted, That whenever it
 One commis- shall become necessary to elect county commission-
 sioner from- ers for said county in pursuance of law, one com-
 each district- missioner shall be elected for each district by the
 qualified electors of said county, and the person re-
 ceiving the highest number of votes in his district
 shall be declared elected.

SEC. 3. Be it further enacted, That all laws and
 parts of laws in conflict with the provisions of this
 act be, and the same are hereby repealed.

Approved December 11, 1873.

No. 67.] AN ACT

To authorize the Court of County Commissioners of
 the County of Covington, to levy a special tax
 for the payment of grand and petit jurors of said
 county.

Authority con- SECTION 1. Be it enacted by the General Assem-
 ferred. bly of Alabama, That the court of county com-
 missioners of the county of Covington be, and they
 are hereby authorized to levy a special tax for the
 payment of grand and petit jurors.

Special tax not SEC. 2. Be it further enacted, That said taxes
 to be used oth- when collected shall not be used for no other pur-
 erwise pose except that above mentioned.

Approved December 3, 1873.

No. 68.] AN ACT

To repeal an act to consolidate the offices of tax assessor and collector of the county of Covington, approved February 4, 1850.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to consolidate the offices of tax assessor and collector of Covington county, approved February 4, 1850. be and the same is hereby repealed.

Approved, December 3, 1873.

No. 69.] AN ACT

To repeal an act entitled an act to require the Court of County Commissioners, to publish semi-annual exhibits of receipts and expenditures of money for and on account of their respective counties, approved August 12th, 1868 ; and to repeal sections 117 and 118 of an act entitled an act, to establish revenue laws for the State of Alabama, approved December 31st, 1868, so far as the same applies to the county of Crenshaw.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to require the court of county commissioners, to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12th, 1868, and sections 117 and 118 of an act entitled an act to establish revenue laws of the State of Alabama, approved December 31st, 1868, be, and the same are hereby repealed so far as applied to the county of Crenshaw.

Approved, December 11, 1873.

No. 70.]

AN ACT

To regulate the publication of legal notices in the
County of Crenshaw.

SECTION 1. Be it enacted by the General Assem-
bly of Alabama, That all advertising now required
To be done by posting alone by law to be done by county officers, executors, ad-
ministrators and guardians in the county of Cren-
shaw, shall from and after the passage of this act,
be made by posting up notices at the courthouse
door three other public places in the county.

How in case of non-residents SEC. 2. Be it further enacted, That whenever it
is shown by the proceedings in the cause that any
of the parties thereto are adults and non-residents
of the State; that it shall be the duty of the officer
required to give notice, to send by mail or express, a
copy of the notice required to be posted up at the
courthouse door, to said party or parties, and the
receipt of the postmaster or an express agent shall
be evidence that said notice has been given.

SEC. 3. Be it further enacted, That all laws or
parts of laws in conflict with the provisions of this
act be, and the same are hereby, repealed.

Approved, December 11, 1873.

No. 71.]

AN ACT

To define the pay of jurors of Crenshaw county, and
to authorize the commissioners court to levy a
special tax to pay the same.

Pay defined SECTION 1. Be it enacted by the General Assem-
bly of Alabama, That jurors, both grand and petit,
of Crenshaw county shall be entitled to receive one
dollar and fifty cents per day for each day(s service,
and no more; and the commissioners court are hereby
Special tax may authorized to levy a special tax to pay the same,
be levied which must be set apart for that purpose, and no
other.

SEC. 2. Be it further enacted, That all laws in

conflict with the provisions of this act are hereby repealed.

Approved, December 17, 1873.

No. 72.] AN ACT

To provide the weights and measures for the county of Dale.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Secretary of State is hereby authorized and required to furnish to the county of Dale, weights and measures, consisting of one weight of fifty pounds, one of twenty-five pounds, one of fourteen pounds, one of seven pounds, two of four pounds, two of two pounds, and two of one pound, avoirdupois; one measure of one yard, and one of one foot, cloth measure; one measure of a half-bushel, one of one peck, and one of one-half peck, dry measure; one measure of one gallon, one of a half gallon, one of one quart, one of one pint, one of one-half pint, and one of one gill, wine measure, in conformity with the standard of measure, length, and weight, established by the Congress of the United States.

Secretary of
State to furnish

SEC. 2. Be it further enacted, That for the expense of obtaining such weights and measures, and furnishing the same to said county, the Auditor must, on the account of being certified by the Secretary of State, draw his warrant on the State treasury for the amount certified in such account.

Auditor to is
-sue his warrant

Approved, December 15, 1873.

No. 73.] AN ACT

To ratify and confirm the action of the commissioners court of the county of Dallas, in the election of a county physician.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the action of the commissioners

 Election ratified court for the county of Dallas, in the election of a
 county physician, and fixing salary for the same,
 to attend to the county poor and the insolvent pris-
 oners in the jail of said county, as passed by said
 commissioners court at their regular August term,
 1873, be and the same is hereby ratified and con-
 firmed.

SEC. 2. Be it further enacted, That all laws or
 parts in conflict with any of the provisions
 of this act be and the same are hereby repealed.

Approved, November 25, 1873.

No. 74.] AN ACT

To enlarge the powers of sheriff in Etowah county,
 as therein shown.

Execute all pro SECTION 1. Be it enacted by the General Assem-
 cesses from bly of Alabama, That it shall be lawful for the sher-
 justices of the iff of Etowah county in this State to execute all pro-
 peace and nota cess, including the levying of attachments and fi.
 ries public fas. and making the money thereon, in all civil suits
 before a justice of the peace or notary public, when
 the office of constable is vacant in he precinct in
 which such justice or notary public holds his or their
 courts.

SEC. 2. Be it further enacted, That the said sher-
 Fees iff, so executing such process, shall be entitled to
 like fees for his services aforesaid, shall be entitled
 the like fees to which constables are entitled to in
 similar cases; and the said sheriff and his securities
 Liable on offi on his official bond shall be subject to the same pen-
 cial bond alties in the same, and in the same courts as are now
 by law provided against constables for failure to dis-
 charge their duties as such.

SEC. 3. Be it further enacted, That before any
 Must file his sheriff is authorized to perform any of the duties
 written consent hereinbefore specified, he mst file his written con-
 sent to accept and to discharge all the duties of con-
 stables as may be required of him under this act, which
 written consent must be file and recorded in the
 office of the judge of probate in said county, and
 may withdraw his said consent thereto at any time,

by filing a written withdrawal of said consent in the same office; but no withdrawal shall have the effect of relieving said sheriff or his securities from any default or liability previously incurred.

Approved, December 8, 1873.

No. 75.] AN ACT

To authorize the Court of County Commissioners for the County of Jefferson to issue the bonds of said county for an amount not exceeding fifty thousand dollars for certain purposes therein named.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners for the county of Jefferson be, and they are hereby authorized to issue the bonds of said county of Jefferson to an amount not exceeding fifty thousand dollars, or so much thereof as said court may deem necessary for the purpose of erecting a court house and jail for said county, in sums of one hundred dollars, and payable at such time and place as said court may designate, not exceeding ten years from the date thereof, with coupons attached, bearing interest at the rate of ten per centum per annum, payable to bearer, and receivable in payment of all county taxers.

SEC. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall not be valid until the same have been signed by the judge of probate for said county, and countersigned by the county treasurer, and the seal of the county affixed thereto, and the county treasurer must keep a correct account of all bonds issued and disposed of under the provisions of this act, and all bonds issued under this act shall be exempt from tax on seals, and State, county and municipal taxes.

SEC. 3. Be it further enacted, That the commissioners court of said county are hereby authorized to do any and all things authorized by this act

Authority to issue bonds and for what purposes

By whom signed

Full authority to carry out this act.

which may be necessary to carry out the powers hereby granted, either through themselves, or any agent or agents duly appointed by them for that purpose, at any time of said court, whether at a regular or special term thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said court shall in anywise vitiate or annul said bonds or coupons, which shall have the protection and properties of commercial paper.

SEC. 4. Be it further enacted, That in order to meet the interest upon said coupons, and the principal at maturity, the said court is hereby authorized and required to levy a special tax, from time to time, upon all the property, licenses and businesses subject to a State tax, under the revenue laws of Alabama, situated or located within the limits of said county.

SEC. 5. Be it further enacted, That all laws and Certain laws repealed parts of laws heretofore in force in said county authorizing said court to issue the bonds of said county of a special or general nature, be, and the same are hereby repealed, and not other bonds shall be issued by said county until the bonds issued under this act shall have been paid and satisfied in full.

Approved, December 17, 1873.

No. 76.] AN ACT

To require the Judge of Probate of the County of Lauderdale to hold monthly terms of the County Court for the trial of misdemeanors.

Monthly terms required SECTION 1. Be it enacted by the General Assembly of Alabama, That the judge of the probate court of Lauderdale county be, and he is hereby required to hold monthly terms of the county court in accordance with section 4031 of the Revised Code of Alabama.

Penalty for failure SEC. 2. Be it further enacted, That a judge failing to comply with the provisions of the previous section of this act, be guilty of a misdemeanor,

and, on conviction thereof, shall be fined not less than two hundred dollars, and removed from office.

Approved December 17, 18'73.

No. 77.] AN ACT

To regulate the fees of Constables in the County of Marengo.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, constables of the county of Marengo are entitled to receive for their services, as hereinafter mentioned, the fees thereto respectively annexed, and no more, to be taxed, collected and paid in the manner provided by law; For serving summons in civil cases, \$1 00; for summoning each witness, 50 cents; for levying or attaching, \$ 150 ; for levying an execution, \$1 00; for making money on each execution, \$1 00; for carrying debtor to jail, \$ 100; for taking bail bond, bond for the forthcoming of property, or other bond required by law, \$ 1 00; for summoning jury in justice court \$ 2 00; for attending on trial, \$ 1 00; for keeping property levied on, such sum as the justice believes just and reasonable, out of the money in the hands of the constable or, arising from the sale of such property, or received by reason of such levy; in criminal cases, for executing search warrant in day time, \$ 1 50 ; for executing search warrant in night time, \$ 3 00; for executing of any other warrant \$ 1 00; for summoning each witness, 50 cents, for conveying a person, upon a warrant of arrest, before a magistrate, or to jail when committed by a magistrate, for himself and each necessary guard, to be proven by the affidavit of the constable, for each mile, 20 cents.

Fees specified

SEC. 2. Be it further enacted, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved, DEC. 17, 1873.

 No. 78.] AN ACT

To regulate the per diem and mileage of members
 of the Commissioners Court of Marengo County.

SECTION 1. Be it enacted by the General Assem-
 bly of Alabama, That from and after the passage
 Three dollars of this act, the pay of the county commissioners of
 per day Marengo county shall be three dollars per day for
 each day(s attendance upon said court.
 Five cents per SEC. 2. Be it further enacted, That the members
 mile. of said court shall be entitled to receive five cents
 per mile in traveling to and returning from said
 court.

SEC. 3. Be it further enacted, That all laws and
 parts of laws contravening the provisions of this act
 be, and the same are hereby repealed.

Approved, Nov. 25, 1873.

 No. 79.] AN ACT

To repeal an act entitled (an act to fix the time of
 holding the Court of County Commissioners of
 Marengo County, (approved November 24th,
 1866.

SECTION 1. Be it enacted by the General Assem-
 bly of Alabama, That an act entitled (an act to fix
 the time of holding the court of county commis-
 sioners of Marengo county, (approved November
 24th, 1866, be, and the same is hereby repealed.

Approved Nov. 25, 1873.

 No. 80.] AN ACT

In relation to the fine and forfeiture fund of Marion
 County.

Collectable in SECTION 1. Be it enacted by the General Assem-
 money or bly of Alabama, That all fines and forfeitures as-
 claims in cer- sessed or imposed by any court in the county of
 tain order.

Marion, shall be collected, by the officer whose duty it is to make such collections, in money or in claims against said fund, in the order in which they are registered.

SEC. 2. Be it further enacted, That all claims against the fine and forfeiture fund of said county shall be paid by the county treasurer, out of said fund, in the order in which the said claims have been registered.

SEC. 3. Be it further enacted, That all laws and parts of laws conflicting with or in anywise contravening the provisions of this act be, and the same are hereby repealed.

Approved Dec. 17, 1873.

Claims how to
be paid

No. 81.] AN ACT

To authorize the Commissioners Court of the county of Marshall to allow certain claims against said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of the county of Marshall be, and the same is hereby authorized and empowered to order for registration, as charges against said county, certain claims of Samuel M. Wallace, as deputy sheriff of said county, for services rendered and expenses incurred by him in conveying prisoners from the jail of Madison county in Guntersville, Marshall county, for trial, upon satisfactory proof of the correctness of said claims.

To allow claims
of Wallace, deputy
sheriff

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with or contravening the provisions of this act, be, and the same are hereby repealed.

Approved, December 15, 1873

No. 82.]

AN ACT

To amend an act to authorize the county of Montgomery to issue bonds, approved March 7th, 1873.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the act entitled (An act to Recitation authorize the county of Montgomery to issue bonds, (approved March 7th, 1873, and which reads as follows, to-wit: (Section 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of Montgomery county shall be, and is hereby authorized and empowered to issue bonds of said county to such an amount as said court shall deem necessary, not to exceed the sum of fifty thousand dollars, said bonds to be payable in five years from date of issue, bearing interest, payable semi-annually, at the rate of eight per cent, per annum, and to be issued for the purpose of taking up the bonds of the county to fall due on the first day of January, 1874, and including such other indebtedness as shall be then unpaid and outstanding. ((Sec. 2. Be it further enacted, That all taxes and licenses of every description which shall be hereafter collected in the county of Montgomery shall be paid in cash only, in the funds of the United States, or its equivalent par value. This act shall take effect immediately after its passage, (-be, and the same is amended so as to read as follows: (Section Amended sec 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Montgomery county is authorized and empowered to issue bonds of said county, to such an amount as said court shall deem necessary and expedient, not, however, to exceed the sum of fifty thousand dollars, said bonds to be payable in five years from date of issue, bearing interest, payable semi-annually, at the rate of eight per centum, per annum, and to be issued and used for the purpose of taking up the bonds of said county which fall due on the first day of January, 1874, and such other indebtedness of said county as shall be then unpaid and outstanding.

SEC. 2. Be it further enacted, That said court of

county commissioners be authorized and empowered to levy a special tax of one-tenth of one per cent. on all taxable property in said county, which tax shall be assessed and collected as the other taxes for county purposes, and shall constitute a sinking fund for the ultimate payment of the bonds issued under this act; the said special tax, when collected, shall be paid over by the tax collector to the treasurer of said county of Montgomery, and shall be used by said treasurer in purchasing the bonds of the United States or of the State of Alabama, and said special tax shall not be used for any other purpose than as herein authorized. The said treasurer shall report in writing to the said court of county commissioners the bonds which he may purchase with said special tax, at what rate and from whom, and at what rate and with whom invested, and which report shall be verified by him.

Approved December 17, 1873.

No. 83.] AN ACT

To define the liability of persons living in the town or village of Whistler, in Mobile county, to public road duty.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all male inhabitants over the age of eighteen (18) years, and under the age of forty-five years, living within the confines of the town or village of Whistler, as per map of same made by J.P. Fresimins, and on record in the probate court of Mobile county, be charged a per capita of two dollars (\$2) per annum, except such as are legally exempt.

SEC. 2. Be it further enacted, That the per capita of two dollars (\$2) aforesaid shall be paid into the court of county commissioners, or to such officer as may be authorized to receive the same, on or before the first day of March in each year.

SEC. 3. Be it further enacted, That each and every person liable to public road duties failing to

A special tax
May be levied.

How to be applied

Subject to (per
capita(tax of
two dollars

To whom said
tax is to be paid

Proof must be
made of compliance

show or render sufficient proof as having complied with the provisions of this act, when warned to work upon the public roads by the overseer, or such officer as may be legally qualified to serve such notice, within five (5) days thereafter, shall not be entitled to the provisions of this act, and shall otherwise be subject to the pains and penalties, as now provided by law, so far as relates to the county of Mobile.

SEC. 4. Be it further enacted, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved December 17, 1873.

No. 84.] AN ACT

To fix the terms of office of certain municipal officers in the city of Mobile.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the persons who shall be Officers elected elected on the Tuesday after the first Monday in December 74 cember, 1874, to fill the following offices in the city to hold three government of Mobile, to-wit, the offices of Mayor, years Treasurer, Auditor, Tax Collector, Clerk, and Common Council, shall hold their offices for three years from and after the first of January, 1875, inclusive.

SEC. 2. Be it further enacted, That every three Next election years after the election mentioned in the first section of this act, there shall be held in Mobile, by the qualified electors of said city, under the then existing election laws of this State, an election to fill the offices mentioned in said section, and the persons Officer hold chosen at said elections shall hold their offices for three years three years from and after the first day of January next succeeding said elections respectively.

SEC. 3. Be it further enacted, That the aldermen Term of office of the city of Mobile who shall be chosen at the of aldermen election mentioned in the first section of this act shall from and after the first day of January next succeeding said election, hold their offices as follows, to-wit: One-third of said aldermen shall hold for one year, one third for two years, and one-third for three years; and the said aldermen, a their first

official meeting, or as soon thereafter as expedient, shall decide by lot which of the three aldermen of each ward shall hold for one year, which shall hold for two years, and which shall hold for three years; and there shall be held an annual election in Mobile on the first Tuesday after the first Monday in December, to fill vacancies in the board of aldermen, and the aldermen elected at such annual elections shall hold respectively for three years from and after the first day of January next succeeding such elections: Provided, That all vacancies occurring in any of the offices mentioned in this act by death, resignation, or otherwise, in the interval between elections, shall be filled as now required by law.

Approved December 13, 1873.

Decide by lot

No. 85.] AN ACT

To provide for increasing the pay of members of the Court of County Commissioners of Perry county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the members of the court of county commissioners shall receive four dollars per diem for their services.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved December 12, 1873.

Four dollars per
diem

No. 86.] AN ACT

To authorize and define the compensation of the board of equalization of Pike county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the board of equalization authorized and created by section ninety-seven (97) of the revenue law, approved December 31st, 1868, together with the clerk of the same, so far as relates

Not to exceed
two hundred
dollars per annum

 to Pike county, shall be entitled to a compensation for their services, not to exceed ten hundred dollars per annum the amount so allowed, to be distributed among the members of the boards, in proportion to the services rendered by each.

SEC. 2. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed, so far as relates to Pike county.

Approved, December 11, 1873.

No. 87.] AN ACT

To amend section two (2) of an act entitled an act to amend an act to authorize the commissioners court of Pike county, to collect a tax to pay bridge claims, if in their opinion it is necessary, approved April 15th, 1873.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section (2) of an act entitled an act to amend an act to authorize the commissioners court of Pike county, to collect a tax to pay bridge claims if in their opinion it is necessary; which reads thus: Section 2, Be it further enacted, That the commissioners court of Pike county be, and they are authorized to have collected a tax, not exceeding forty per cent. of the State tax, as they may deem necessary for the exclusive purpose of paying off claims against said county which have accrued or may accrue on account of public bridges be, and the same is hereby amended, as to read as follows: Section 2. Be it further enacted that the commissioners court of Pike county be, and they are authorized to have collected a tax, not exceeding forty per cent. of the State tax, as they may deem necessary for the exclusive purpose of paying off claims against said county, which have accrued or may accrue on account of public bridges, Provided, however, the said commissioners court shall not levy and have collected the forty per cent. to pay bridge claims, except in the event no other

tax is levied but the fifty per cent authorized by law for general county purposes.

SEC. 2. Be it further enacted, That section two as it stood before the passage of this act is hereby repealed.

Approved December 11, 1873.

No. 88.] AN ACT

To repeal section 1374 of the Revised Code of Alabama so far as relates to the county of Randolph.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1374 of the Revised Code of Alabama so far as relates to the county of Randolph.

Approved December 3, 1873.

No. 89.] AN ACT

To repeal an act entitled an act, (to establish a Criminal Court for the county of Russell with (criminal and civil jurisdiction, (approved February 26, 1872.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to establish a criminal court for the county of Russell, with criminal and civil jurisdiction, approved February 26th, 1872, be, and the same is hereby repealed; Provided, That all the records of civil and criminal causes now pending in said court, together with all books, papers, and files pertaining to such civil and criminal causes shall be transferred by the clerk of said criminal court to the office of the clerk of the circuit court of Russell county, that all persons who are required by any bail, bond, or order of said criminal court, to appear at the next term thereof, shall be required to appear at the next term of the circuit court of Russell county, and that this act shall not be construed as a dismissal or

Court established

Books, papers,
&c., to be turned
over to clerk of
circuit court.

discontinuance of any cause or prosecution on the dockets of said criminal court, but all such cases shall be triable in the circuit court of Russell county, as fully as if they had been originally instituted in said circuit court: Provided further, That said records such records, books, papers and files, so transferred by the clerk of said criminal court to the office of the clerk of the circuit court of Russell county, shall in all respects be taken, held and located as records of said circuit court, and that all proceedings arising or hereafter to arise in, upon or in relation to any judgment rendered in said criminal court, or upon any bail bond given in said criminal court, shall be had in said circuit court the same in all respects as if the causes in which said judgments were rendered, or bail bonds given had been originally commenced in said circuit court of Russell county.

Approved, December 11th, 1873.

No. 90.] AN ACT

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale, and Lawrence, approved March 3d, 1870, so far as the same applies to the county of St. Clair.

SECTION 1. Be it enacted by the General Assembly, of Alabama, That an act approved March 3d, 1870, entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale, and Lawrence, be, and the same is hereby repealed, so far as the same applies to the county of St. Clair.

Approved, December 15, 1873.

No. 91.] AN ACT

To establish an election precinct at Chandler(s Spring, in the County of Talladega.

SECTION 1. Be it enacted by the General Assembly, of Alabama, That at all general and special elections in the county of Talladega, after the passage of this act, it shall be the duty of the court of county commissioners of said county to order that ballot boxes be opened at Chandler(s Spring, in said county.

Approved, Dec. 8, 1873.

Precinct
established

No. 92.] AN ACT

To authorize the Court of County Commissioners for the County of Tallapoosa, in this State, to compromise the bonded debt of said county with the Savannah and Memphis Railroad Company, or others holding the bonds of said county, to the said Savannah and Memphis Railroad Company.

SECTION 1. Be it enacted by the General Assembly, of Alabama, That the court of county commissioners for the county of Tallapoosa be, and they are hereby fully empowered and authorized to compromise its bonded debt with the Savannah and Memphis Railroad Company, or the holders of the bonds heretofore issued by said county to the Savannah and Memphis Railroad Company, and better known as the Tallapoosa Railroad bonds

Authority conferred

SEC. 2. Be it further enacted, That in case any compromise shall be agreed upon under the provisions of this act, it shall be the duty of said court of county commissioners to cause the terms of such compromise to be entered of record in said court, and thereupon they shall order an election to be held in said county for the purpose of allowing the voters in said county to ratify or reject such compromise, and for this purpose, upon the making such order, it shall be the duty of the probate judge to issue a writ of election, directed to the sheriff of

Proceedings when
a compromise is
agreed upon.

 said county, stating the terms of such compromise, and ordering an election thereupon, designating the day, which shall not be less than sixty days from the issuance of such writ of election, and thereupon it shall be the duty of the sheriff to publish the same for thirty days in some newspaper published in said county, and appoint returning officers for each beat in the county.

Election, how SEC. 3. Be it further enacted, That such elec-
 held and re- tion, in all other respects, shall be held and con-
 turned ducted under the laws of this State regulating elec-
 tions, and the returning officers shall make due
 returns thereof within forty-eight hours thereafter
 to the probate judge, who shall, in the presence of
 at least two of the commissioners of said county,
 compare and make a count of the ballots and an-
 nounce the result, which shall be by them duly
 reported to the court of county commissioners at
 the next regular term thereafter.

If ratified to be SEC. 4. Be it further enacted, That if it is found
 entered of re that a majority of all those voting at such an elec-
 cord tion have ratified such compromise, it shall be the
 duty of the commissioners court to cause the same
 to be entered of record, and thereupon they shall be
 fully authorized to carry out the terms of such com-
 promise in every respect.

(Ratification(SEC. 5. Be it further enacted, That the words
 or (rejection((ratification(or (rejection,(as the case may be,
 to be on the shall be written or printed upon the ballots at the
 ballots election held under the provisions of this act, and
 Compensation the commissioners court shall allow such compen-
 to officers of sation as they may deem proper to the returning
 election officers and others acting under the authority of this
 act, and said commissioners court are hereby au-
 thorized to do all things necessary to carry out the
 spirit and intention of this act.

Approved, Dec. 15, 1873.

No. 93.] AN ACT

To allow compensation to the Tax Assessor of Tus-
kaloosa County for making the copy of the book
of assessment, required by law.

SECTION 1. Be it enacted by the General Assem-
bly of Alabama, That the tax assessor of Tuska-
loosa county be allowed such sum as the commis-
sioners court of said county may think just and
proper, for making the copy of the book of assess-
ment, provided by section 2 of an act to establish
additional revenue laws for the State of Alabama,
approved February 26th, 1872, for the past year of
1872 and 1873, and for each succeeding year he may
be required by law to make such copy.

SEC. 2. Be it further enacted, That such sums as
may be allowed for said services shall be paid by
the treasurer of Tuskaloosa county, upon affidavit
being made by the assessor that such copy had been
made in accordance with law.

Approved, Dec. 17, 1873.

Authority to
allow compensation

Before payment
affidavit required

No. 94.] AN ACT

To establish a new election precinct in the county of
Walker.

SECTION 1. Be it enacted by the General Assem-
bly of Alabama, That Camp Springs, in precinct No.
3, in the county of Walker be, and the same is
here established as a place of voting in said pre-
cinct.

SEC. 2. Be it further enacted, That all laws and
parts of laws in conflict with the provisions of this
act be, and the same are hereby repealed.

Approved, December 11, 1873

Precinct established

No. 95.] AN ACT

To establish two election precincts in the county of Washington.

SECTION 1. Be it enacted by the General Assembly of Alabama, That election precincts are hereby Precinct estab- established at Silas Scarborough(s, and at Deer Park, lished on the Mobile and Ohio Railroad, and that said places be hereafter regarded as lawful places of voting at all public elections in said county.

No. 96.] AN ACT

To repeal an act entitled (An act to regulate the fees of notaries public and justices of the peace for Wilcox county, and to provide for the payment of the same in certain cases,(approved February 26th, 1872.

SECTION 1. Be it enacted by the General Assembly, of Alabama, That an act entitled (An act to regulate the fees of notaries public and justices of the peace for Wilcox county, and to provide for the payment of the same in certain cases,(approved February 26, 1872, be, and the same is hereby repealed.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved December 3, 1873.

No. 97.] AN ACT

To authorize the Commissioners Court of Wilcox county to make all claims against said county preferred claims, when they have been incurred for the comfort and health of prisoners confined in the county jail.

SECTION 1. Be it enacted by the General Assembly, of Alabama, That the commissioners court of Wilcox county may make such claims preferred claims against said county, which are for medicines, medical attention, and clothing and blankets, or any other things necessary for the comfort and health of prisoners that may be confined in the county jail.

Approved December 17, 1873.

Authority conferred

No. 98.] AN ACT

To abolish the Court of Quarter Sessions of Wilcox county, and to transfer all the cases therein pending both civil and criminal, together with all the dockets, papers and books of said Court of Quarter Sessions to the Circuit Court of Wilcox county, Alabama, and to provide for an extra term of said Circuit Court to dispose of the business of said Court of Quarter Sessions.

SECTION 1. Be it enacted by the General Assembly, of Alabama, That the court of quarter sessions of Wilcox county, in this State, be, and the same is hereby abolished.

Court abolished

SEC. 2. Be it further enacted, That the circuit court of Wilcox county, Alabama, shall have, take and exercise a full and ample jurisdiction of all matters, both civil and criminal, which have been brought in said court of quarter sessions of Wilcox county, and which may be in any way still depending and undetermined in said court of quarter sessions, as if the said causes or matters had been brought or instituted in the said circuit court of Wilcox county. And no causes, indictments, or other

Circuit Court to
have jurisdiction

proceedings of any kind shall be discontinued by the abolition of the said court of quarter sessions of Wilcox county, but the circuit court of Wilcox county shall take jurisdiction of all matters which have not been fully and finally disposed of by said court of quarter sessions, and shall exercise jurisdiction and administer justice in the same manner and to the same extent as if such matters or proceedings had been brought to, and were still depending in, the said circuit court.

Processes of SEC. 3. Be it further enacted, That all process of said court re- any and every kind which has been issued from, or turnable to cir- made returnable to, the said court of quarter sessions of Wilcox county, shall be returned to and shall be considered and regarded as returnable to the circuit court of Wilcox county, in the same manner and to the same extent as if the same had issued from, and been made returnable to, the circuit court of Wilcox county, Alabama, and all recognizances taken by or made recognizable by the said court or quarter sessions of Wilcox county, shall be taken and construed and shall be enforced by the said circuit court as if taken by said court, or as if they had been made to said circuit court.

All general or SEC 4. Be it further enacted, That all the general special juris or special jurisdiction and authority which has been diction of said by law conferred upon the court of quarter sessions court conferred of Wilcox county, is hereby transferred to and con- on circuit court ferred upon the circuit court of Wilcox county, Alabama, and the said circuit court of Wilcox county is hereby authorized and required to take and exercise all the jurisdiction in all the matters in the court of quarter sessions which the court of quarter sessions of Wilcox county could have exercised if still in existence, and shall grant all the relief, enforce all the rights and all the obligations which the court or quarter sessions of Wilcox county could or should have done if its existence had continued.

SEC. 5. Be it further enacted, That it shall be the duty of the clerk of the court of quarter sessions of Wilcox county to deliver over to the clerk of the circuit court of Wilcox county, Alabama, all the dockets of the said court of quarter sessions of Wilcox county, of every kind, civil and criminal, and

all the papers of every kind in all the cause which have been brought in the court of quarter sessions of Wilcox county, from its organization to the time of such delivery, and he shall deliver over to the said clerk of the said circuit court all the indictments which have been returned into the said court of quarter sessions of Wilcox county from its organization, together with all the capiasies issued and all the bonds taken in criminal cases, and all other papers connected with any and all criminal causes and proceedings from the organization of said court of quarter sessions, and all the records and minutes of the said court of quarter sessions of Wilcox county from the organization thereof to the time of delivery, and all other books or papers which appertain to or belong to the said court of quarter sessions of Wilcox county.

SEC. 6. Be it further enacted, That the clerk of the circuit court of Wilcox county, Alabama, shall receive and keep all dockets, records, minutes, papers, and all other things, which appertain to said court of quarter sessions of Wilcox county, and the said clerk of the said circuit court is hereby vested with authority to do and perform all acts and discharge all duties in regard to said records, dockets and papers so received by him from the clerk of said court of quarter sessions, which the said clerk of the said court of quarter sessions could or might do if the court of quarter sessions of Wilcox county were still in existence, and all the powers of the clerk of the court of quarter sessions of Wilcox county while it existed being hereby conferred on the clerk of the circuit court of Wilcox county, Alabama.

SEC. 7. Be it further enacted, That the judge of the circuit court of said county shall hold an extra session of said court, commencing on the first Monday in January, A.D. 1874, to dispose of the business of said court of quarter sessions, and that the court of county commissioners of Wilcox county be, and they are hereby authorized to provide for the payment of the expenses, and for the compensation of the judge of the circuit court of Wilcox county, for holding said extra session of the court.

SEC. 8. Be it further enacted, That all laws and

Clerk of the circuit
court to keep the
dockets, etc

parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved, Dec. 2, 1873.

No. 99.] AN ACT

To amend section one of an act entitled (An act to incorporate the city of Birmingham, in Jefferson county, (approved December 19, 1871.

SECTION 1. Be it enacted by the General Assembly, of Alabama, That the first section of the above recited act, which is in words and figures as follows, Recitation to-wit: (Section 1. Be it enacted by the General Assembly of Alabama, That the city of Birmingham, in the county of Jefferson, be, and the same is hereby incorporated, and all the territory within three thousand feet of the Alabama and Chattanooga Railroad, on each side of the same, extending from Twenty-sixth street, in said city, to the eastern boundary of the city of Elyton, (is hereby declared to be within the limits of said corporation, (-be, and the same is hereby amended to read as follows, to-wit: (Section 1. Be it enacted by the General Assembly of Alabama, That the city of Birmingham, in the county of Jefferson, be, and the same is hereby incorporated, and the corporate limits shall embrace all the territory between Ninth avenue, north, and Seventh avenue, south, and Twenty-sixth street and Thirteenth street, as laid off and designated in the plan and survey of said city: Provided, That such amendment shall not be so construed as to relieve any parties from the payment of taxes now due: Provided, That no spirituous, malt or intoxicating liquors, shall be sold between the eastern boundary of the corporation of the town of Elyton and the western boundary of the city of Birmingham, and any person violating this provisions of this act shall be guilty of a misdemeanor. (

SEC. 2. Be it further enacted, That said section one of said act, as it stood before the amendment, be, and the same is hereby repealed.

Approved, Dec. 17, 1873.

No. 100.]

AN ACT

To incorporate the town of Courtland in the county of Lawrence.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the town of Courtland in the county of Lawrence be, and the same is hereby incorporated, and the corporate limits of said town shall be three-fourths of a mile from the centre of the public square of said town.

Incorporation

SEC. 2. Be it further enacted, That on the first Monday in April of each year, to commence at 10 o'clock A.M. and close at 3 o'clock P.M., an election shall be held in said town for the purpose of electing one intendant and five councilmen, and a marshal, who shall hold their offices and serve for the term of one year, or until their successors are qualified; which election shall be held by three householders of said town, to be selected and appointed by the intendant of said town, by posting notice thereof and the time and place of holding the election at the post office door in said town, for at least fifteen days before the election. All persons within the corporate limits, who are qualified voters for members of the General Assembly, shall be entitled to vote in the said election; and said intendant so elected shall, ex-officio, be a justice of the peace and have all the jurisdiction of notaries public in and for the county of Lawrence, Alabama. Any person dissatisfied with said election of said officers may contest the same, by giving ten days notice to the officers whose election he desires to contest; said contest to be tried before the judge of probate of Lawrence county, Alabama, under the rules and regulations prescribed in article third, chapter fourth, title sixth, of part first of the Revised Code of Alabama; said proceedings for contest to commence within ten days after said election, and any one dissatisfied with the decision of the probate judge may appeal to the supreme court of the State, by giving security for the costs of appeal approved by the said judge, at any time within thirty days after the decision.

Election for officers

SEC. 3. Be it further enacted, That said intendant and councilmen shall, by the first Monday after their

election, proceed to elect a treasurer and clerk, after Election of first taking the following oath, to-wit: (I. A B, (as treasurer and the case may be) do solemnly swear that I will, to clerk the best of my skill and ability, discharge all the duties incumbent on me as intendant or councilman, as the case may be, so help me God; (which said oath must also be taken by the marshal, treasurer, and clerk, and said oaths must be filed with the records of said corporation; and the said oath may be administered by the intendant, or any councilman, Duty of intend one to the other. It shall be the duty of the intend- ant to preside at all meetings of said councilmen, to preserve order and decorum, and in his absence or incapacity any councilman may be called to preside. And the intendant and councilmen of said town are hereby constituted a body politic and corporate, by Corporate the name and style of the Intendant and Council- name men of the town of Courtland, by which name they and their successors in office shall be capable in law and equity of suing and being sued, pleading and being impleaded, and making contracts in reference to the streets and alleys and other public property belonging to said corporation, and in general to do and perform all acts which are incidental to bodies corporate, and to purchase and hold and dispose of for th benefit of said town, real, personal, and mixed property to the value of twenty thousand dollars.

Powers of SEC. 4. Be it further enacted, That said intend- council ant and councilmen, or a majority of them, are hereby invested with full power to keep open and in good repair all the streets and alleys of said town that they may deem necessary, to preserve peace and order, to fine in assaults and batteries, in a sum not exceeding fifty dollars; to prevent and remove nuisances, to suppress gaming and card playing; to establish night-watches and patrols, and to punish for the neglect of patrol duty; to tax shows and exhibitions of all kinds; to tax billiard tables; to tax the sale of spirituous or vinous liquors; to tax the sale of mules, horses, and stock in said town; tax peddlers and patent medicine venders; to tax the sale of patented articles by transient traders; to tax the sale of goods, wares and merchandise or other things by transient sellers, to impose a fine of

not exceeding fifty dollars for any violation of the by-laws made and adopted by the said intendant and councilmen, or a majority of them, for the purpose of carrying into effect the powers herein granted, and all other powers for the good government of said town not inconsistent with the laws of this State, which powers are hereby expressly granted said corporation; said intendant and councilmen and marshal are hereby invested with full powers and authority to suppress all affrays, routs, riots, insurrections, unlawful assemblies and breaches of the peace; all lewd, indecent, profane, riotous and disorderly conduct in the limits of said corporation, and to arrest without warrant of arrest any one offending and take him or her forthwith before the intendant, who shall have full power to commit any such offender to the calaboose in said town, unless bond be given for the appearance of such offender before the intendant to answer any charge that may be brought against him or her in such sum not exceeding one hundred dollars, as may be approved by the intendant, and in order to make any such arrest said intendant, marshal, and councilmen shall have full power, and the same is hereby granted, to summon any number of male inhabitants of said town, and any person failing or refusing, after being summoned, to aid in making such arrest, shall be deemed guilty of a misdemeanor, and liable to indictment by the grand juries of Lawrence county, and of the law and equity courts of Lawrence county, Alabama, and if found guilty, shall be fined not less than fifty nor more than one hundred dollars, at the discretion of the jury trying the same.

SEC. 5. Be it further enacted, That the said intendant and councilmen shall have the power to levy a tax on the property and inhabitants of said town, and a poll tax of not more than two dollars per capita, to raise money for the purpose of properly managing the affairs of said corporation; said tax shall be levied upon all the property, both personal, real and mixed, in said corporation, and shall not be higher than at the rate of one half of one per cent; and be an ad valorem valuation; Provided, That all property of whatever kind in said corpora-

tion exempt from taxation by the laws of Alabama shall not be liable to taxation for said corporation.

Assessment of property SEC. 6. Be it further enacted, That the marshal of said town shall, on the 1st Monday in June of each year, post a notice at the postoffice door in said town, for ten days, calling upon the tax-payers in said town to make out a list of all their property liable to taxation and furnish te same to him, and each tax-payer shall subscribe an oath that the list given to the marshal is a full and complete list of all his or her property liable to taxation, with the true value thereof, and any one subscribing falsely in reference thereto shall be liable to the pains and penalties of perjury. Any person in said town failing to furnish said list by the 2d Monday in June of each year and making said oath, shall be summoned to appear before the intendant and councilmen, and answer, on oath, touching his or her property and the value thereof, and if, in the opinion of the majority of said intendant and councilmen, any property in said town belonging to an owner unknown, or to a non-resident, they may assess such property as they may think just and proper, and their decision thereon shall be final. After said list of all the taxable property has been made out of the marshal, he shall subscribe the same in a book kept for that purpose, and said book shall be subject to inspection of all tax payers. All taxes shall become due taxes and payable on the first Monday of November of each year, and on the third Monday in November of each year the marshal shall post at the postoffice door in said town a list of all delinquent tax-payers, with the amount of taxes due by each, for the length of ten days, and on the second Monday in December, of each year the marshal shall return to the intendant a full list of all delinquents, and it shall be the duty of the intendant to enter up judgement against each delinquent tax-payer for the amount of taxes unpaid in favor of the (intendant and councilmen of the town of Courtland,(which judgment shall be a lien upon all the property of said delinquent tax-payer, and no property shall be exempt from the payment of said judgment. Immediately

upon the rendition of any such judgment, the clerk of said corporation shall issue an execution against the delinquent tax-payer, directed to the marshal, which may be levied upon an property of the delinquent tax-payer. The said marshal shall give notice of the sale of property levied on of ten days, if personal property, and thirty days, if real property, by a notice thereof posted at the postoffice door, in said town. If the property levied on be that of a non-resident, whose property have been levied on by the marshal for delinquent taxes due on the same, then the notice shall be published in some newspaper published in Lawrence county, Alabama, for the length of time above required; and if there be any property assessed to an owner unknown, upon which the taxes remain unpaid by the first Monday of December of each year, the marshal shall advertise for 30 days in newspaper published in Lawrence county, that he will sell said property for the taxes due on the same, and if real property he shall sell the first N.W. 1/4 of the same, then the N.E. 1/4 and then the S.W. 1/4 and the S.E. 1/4, until a sufficient amount is made to pay the taxes on the same, and marshal shall make a deed to the purchaser of said real property of said unknown tax-payer so sold by him, and the marshal shall also make deeds to the property sold by him under and by virtue of the judgment service before mentioned. Any person whose property has been sold by and under the provisions of this act, his, her, or heirs, or legal representatives or assigns may redeem the same at any time within two years of the sale by paying the purchaser the amount of the judgment or taxes, costs, &c. paid by him, with ten per cent. per annum, as well as all improvements made by him.

SEC. 7. Be it further enacted, That the marshal shall pay all fines and taxes collected by him into the hands of the treasurer and take his receipt therfor, and the treasurer shall not pay out any money except upon the order of the board of intendant and councilmen, and countersigned by the intendant. The marshal and treasurer shall each make a list of all moneys passing through their hands at least three times a year, and post the same and the source whence derived, specifying the items,

Sale for non-
payment of taxes

Fines and taxes to
whom paid over

at the postoffice door in said town, and for a failure Removal of to comply with said duty, the one offending shall marshal, treas be removed from his office by the intendant and urer and clerk councilmen, and for good cause shown, upon due notice, the treasurer, clerk, and marshal shall be removed at any time from their offices by a majority vote of said intendant and councilmen, and they shall appoint others in their stead. And for good cause shown, said intendant and councilmen, or councilman, by a majority vote, may remove the intendant or any councilman, upon due notice of such proceeding, and appoint others in their stead. And the said board shall have the power to fill all vacancies that may occur by resignation or death in the board, either intendant or councilman, which shall hold until the next general election for officers of said corporation, and to fix the salaries of the officers of said corporation.

SEC. 8. Be it further enacted, That an act entitled an act to incorporate the town of Courtland, in the county of Lawrence, approved February 16th, 1867, be, and the same is hereby repealed; Provided, That said act shall remain the force until the first Monday in April, 1874.

SEC.9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act shall be, and the same are hereby repealed.

Approved, Dec. 16, 1873.

No. 101.] AN ACT

To amend section two of an act entitled an act to incorporate the town of Guntersville in the county of Marshall.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section two of an act to incorporate the town of Guntersville in the county of Marshall, approved December 12th, 1871; which Recitation reads as follow, to-wit: (Section 2. Be it further enacted, That the corporate limits of the town of Guntersville, shall embrace an area of one mile square, whose center shall be the courthouse on the public

square in said town, and whose boundary lines each of which shall be one mile wide in length, shall run parallel with a corresponding boundary line of the present public square of said town, and be equidistant, east, west, north and south, from the courthouse, (be amended so as to read as follows, to wit: Section 2. Be it further enacted, That the corporate limits of the town of Guntersville, shall embrace an area of land three-fourths of one mile square, whose center shall be the courthouse on the public square in said town, and whose boundary lines each of which shall be three-fourths of one mile in length, shall run parallel with a corresponding boundary line, of the present public square of said town, and be equidistant, east, west, north and south from the courthouse.

SEC. 2. Be it further enacted, That said section 2, as it now stands in the act aforesaid be, and the same is hereby repealed.

Approved Dec. 15, 1873.

Amended section

No. 102.] AN ACT

To amend the charter of the Eureka Mining and Transportation Company of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section four of said charter, which is in the words and figures following, viz: (Section 4. Be it further enacted, That three stockholders shall be elected as Directors of said company, who shall constitute a Board of Directors, who shall select one of their number as President of said company, who shall have power to appoint agents and remove the same at pleasure, and to do all other acts necessary to the successful working of the company subject to the approval of the Board of Directors, (be and the same is hereby amended so as to read as follows, viz: Section 4. Be it further enacted, That not less than three nor more than seven stockholders shall be elected Directors of said company, by vote of the stockholder of the company, each share of one hundred dollars of the

Recitation

Amended section

capital stock being entitled to one vote; but no stock wither in his own right or as proxy or agent of others, shall be entitled to cast more than one-fourth of all the votes at any election of Directors, The Board of Directors thus elected shall select one of their number as President of said company, who shall have power to appoint agents and remove the same at pleasure, and to do all other acts necessary to the successful working of the company subject to th approval of the Board of Directors.

Approved Dec. 6, 1873.

No. 103.] AN ACT

To authorize th e stockholders of the Eureka Mining and Transportation Company of Alabama to change the name of said corporation.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the stockholders of the Eureka Mining and Transportation Company of Alabama be, and they are here authorized, by resolution to change the name of said corporation, and upon the adoption of such resolution said corporation shall be known and called by the name thus adopted : Provided, That a copy of said resolution shall be filed in the office of the Secretary of State, and the said resolution shall be recorded in the county where said corporation has its principal office ; And provided further, That nothing herein contained shall effect the rights or liabilities of said corporation on any manner whatsoever.

Approved Dec. 16, 1873.

No. 104.] AN ACT

To amend section one of an act entitled an act to incorporate the Elba Manufacturing Company in Coffee County, approved February 10th, 1852.

SECTION 1. Be it enacted by the General Assem-

bly of Alabama, That section one (1) of an act entitled an act to incorporate the Elba Manufacturing Company in Coffee county, approved February 10, 1852, and which is in the words an figures as follows, to-wit: (Section 1. Be it enacted by the Senate an House of Representatives of the State of Alabama in General Assembly convened, That Cary Cong, Hosea Holly, Gappa T. Yelvertone, J. E. Atheson, William Spears, John Carvey, William Holley and Noah Carroll, their associates and successors be, and they are hereby constituted a body politic and corporate under the name and style of the (Elba Manufacturing Company,(and by that name may sue and be sued, plead and be impleaded may have and use a common seal and alter the same at pleasure, and shall have power to do all acts incident to bodies corporate, and may purchase land and personal property, and dispose of the same for the benefit of te company to such extent as they may deem necessary for the interest of the company, and the successful prosecution of their business of sawing, grinding, and manufacturing articles for sale or use, of cotton, wool, iron, or earth,(be, and the same is hereby amended so as to read as follows, to-wit: Section 1. Be it enacted by the General Assembly of Alabama, That Gappa T. Yelverton, M.G. Stoudenmier, J.E. P. Flurnoy, and C.S Lee, their associates and successors, be, and they are hereby constituted a body politic and corporate under the name and style of the (Elba Manufacturing Company,(and by that name may sue and be sued, plead and be impleaded, may have and use a common seal and alter the same at pleasure, and shall have power to do all acts incident to bodies corporate, and may purchase land and personal property, and dispose of the same for the benefit of the company to such extent as they may deem necessary for te interest of the company, and the successful prosecution of their business of sawing, grinding, manufacturing articles for sale or use of cotton, wool iron and wood, or other material.

SEC. 2. Be it further enacted, That said section (1) one of said act, as it stood before the passage of this act, be, and the same is hereby repealed.

Approved, Dec. 17, 1873

Recitation

Amended section

No. 105.] AN ACT

To repeal an act entitled, (An act to amend an act entitled, (An act to incorporate the Sepulgah River Manufacturing Company, of Conecuh county,(approved December 31, 1868.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled (An act to Authority con amend an act entitled, (An act to incorporate the ferred Sepulgah River Manufacturing Company, of Conecuh county,(approved December 31, 1868, be, and the same is hereby repealed.

Approved December 8, 1873.

No. 106.] AN ACT

To authorize the purchasers and their assigns of the railroad(s corporate franchises, rights, and estates of the New Orleans, Mobile and Texas Railroad Company to organize under the corporate name of the New Orleans, Mobile Railroad Company, and to exercise the corporate rights, franchises and privileges of the said company under that name as to the railroads east of the west bank of the Mississippi River.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the purchasers of the railroads of te New Orleans, Mobile, and Texas Railroad Company be, and they and their assigns are hereby authorized to organize as a corporate body, under the name of the New Orleans and Mobile Railroad Company, and to vest in the said corporation the railroad(s corporate rights, franchise, privileges, estates of the New Orleans, Mobile, and Texas Railroad Company between and within the cities of New Orleans and Mobile, and east of the west bank of the Mississippi river, and to exercise the corporate rights of the last named company under the name set forth in the title of this act, as granted in the acts of the General Assembly of this State to the said company: Provided, That nothing in this

act contained shall be so construed as repealing the act constituting the charter of the New Orleans, Mobile and Texas Railroad Company, or as divesting said company of its character as a corporation, or of any of its property or rights as such, or as exempting it from any judgment recovered against, or any liability incurred by it : And provided further, That said New Orleans and Mobile Railroad Company shall be not entitled to the benefit of section 12 of the act entitled (An act to incorporate the New Orleans, Mobile, and Chattanooga Railroad Company, (approved November 24th, 1866, or the provisions of section 5 of the act to amend sections sixteen and twenty-two of said last mentioned act, approved February 12th, 1867.

Approved December 17, 1873.

Further proviso

No. 107.] AN ACT

To amend an act entitled (An act to incorporate the Selma Building and Loan Association.(

SECTION 1. Be it enacted by the General Assembly of Alabama, That sections second and third of article 2d of an act entitled (An act to incorporate the Selma Building and Loan Association,(and which reads as follows: (Each stockholder for each and every share by him or her held shall pay the sum of one dollar in par funds on subscribing, and the same amount on the 4th day of each and every month thereafter, (unless such day occur on Sunday, in which event the payment to be made on the day previous,) to the treasurer, or to such other person or persons as shall, from time to time, by the laws and regulations of the association, be authorized to receive the same, until the whole stock shall be of sufficient value to divided to each share of stock the sum of two hundred dollars.((Section 3. When each stockholder for each and every share of stock by him or her held shall have received the sum of two hundred dollars, then this association shall determine and close : Provided always, That any stockholder having received an advance in the man-

Recitation

ner prescribes in article 8, shall be debited in his account with the premium paid thereon,(((be so Amended sec amended as to read as follows: Each stockholder, tion for each and every share by him or her held, shall pay the sum of one dollars in par funds on subscribing, and the same amount on the 4th day of each and every succeeding month thereafter, (unless such day occur on Sunday, in which case the payment to be made on the day previous,) to the treasurer, or to such other person or persons as shall from time to time, by the laws and regulations, be authorized to receive the same, until the whole stock shall be of sufficient value to divide to each share of stock the sum of one hundred and fifty dollars, or until a majority of the stockholders shall determine, at a special meeting to be called for that purpose by the president, shall determine that such association shall wind up its affairs and cease its operations. (Section 3. When each stockholder for each and every share of stock by him or her shall have received the sum of one hundred and fifty dollars, or when a majority of the stockholders shall so determine, then this association shall close and be divided: Provided always, That any stockholders having received an advance shall be debited in his settlement with the premium paid thereon, and all other stockholders shall be so debited as to equalize the distribution of the assests of said association: And provided also, That the liens, mortgages and other choses in action of such association, shall be distributed as cash in the payment of the distributive share of such stock, and that the said association, by its treasurer or president, may assign and set over to each of such transferees all the rights and powers given to such association by such liens, mortgages, &c, by virtue of its said charter, and that in such distribution and settlement married females and minors shall be represented by their trustees, and the acts of such trustees, as far as the same are necessary in the premises, shall be in all respects considered as the acts of te legal owners of the stock, as though they were done and performed by femme soles and persons of full age.

SEC. 2. Be it further enacted, That article eleven of such charter be, and the same is hereby repealed.

Approved, December 17, 1873.

No. 108.] AN ACT

To relieve W.C. Witherington, Tax Collector of
Greene County.

SECTION 1. Be it enacted by the General Assembly of Alabama, That James Kimbrough, the tax collector of Greene county, be, and he is hereby authorized and empowered to proceed and collect all the legally assessed and now uncollected State and county taxes in the county of Greene left uncollected by W.C. Witherington, former tax collector of said county.

SEC. 2. That for the purpose of enforcing said collections the said James Kimbrough is hereby given all the powers possessed by the tax collector in said county, under the revenue laws of this State, and shall be subject to like penalties for any misbearance or malfeasance in the discharge of such duties.

Approved, December 17, 1873.

Personal collector to
collect taxes left
uncollected by his
predecessor

No. 109.] AN ACT

For the relief of William H. Clemons, tax collector
of Chambers county.

WHEREAS, William H. Clemons, the tax collector of Chambers county, has been forced, under a judgment of the circuit court of Chambers county, Alabama, to pay the sum of two hundred and fifty-seven and 70-100 dollars, on account of taxes illegally collected by him for the year 1872, which said sum had been paid by him in the State and county treasury, of which said sum one hundred and one and 5-100 dollars was for State taxes, and one hundred and fifty-six and 55-100 dollars was for county taxes; therefore.

Powers of
present collector

SECTION 1. Be it enacted by the General Assembly of Alabama, That on the settlement of the Auditor with William H. Clemons, the tax collector for Chambers county, for taxes due the State from said county for the year 1873, he shall allow the said

Auditor to allow
a certain credit

Clemons, as such tax collector, a credit for the sum of one hundred and one and 5-100 dollars; and that the commissioners court of Chambers county, on the settlement of said Clemons for county taxes due said county for the year 1873, be and they are hereby authorized to allow said Clemons, as such tax collector, a credit for the sum of one hundred and fifty-six and 65-100 dollars.

Approved, December 15, 1873.

No. 110.] AN ACT

For the relief of Thomas A. Jones, of Lee county.

WHEREAS, the following described lands, the property of Thomas A. Jones, of Lee county, to-wit: One hundred acres in the northwest quarter of section thirty-five (35), township twenty (20), of range twenty-seven (27), in Lee county, Alabama, were sold for non-payment of taxes, State and county, in the year eighteen hundred and seventy; and whereas, the taxes, both State and county, and the charges and cost thereon had been paid on said land in full; and whereas, all the taxes have been since regularly paid thereon; therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Auditor of the State be and he is hereby authorized to give the said Thomas A. Jones a certificate of redemption for said lands.

SEC. 2. Be it further enacted, That all laws and parts of laws contravening the provisions of this act be, and they are hereby, repealed.

Approved, December 8, 1873.

No. 111.] AN ACT

For the relief of Mrs. Mary Ann Taylor, of Montgomery county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in consideration of the pay-

ment, by mistake, of Mrs. Mary Ann Taylor as executrix of the last will and testament of Jesse P. Taylor, deceased, of the sum of one hundred and seventeen 22-100 dollars, State taxes, during the years 1869, 70, 71, and 72, upon lands in Montgomery county belonging to others, and paid upon by them, the Auditor of the State be and he is hereby authorized to draw his warrant in favor of the said Mrs. Mary Ann Taylor for the sum of one hundred and seventeen 22-100 dollars.

SEC. 2. Be it further enacted, That the court of county commissioners for Montgomery county be and it is hereby authorized to refund to Mrs. Mary Ann Taylor any county taxes for the years 1869-70, 71, and 72, paid by her as executrix as aforesaid, by mistake, upon lands belonging to other persons, and upon which such persons paid taxes for said years.

Approved December 17, 1873.

No. 112.] AN ACT

To authorize Orcine D. Rutledge, of Choctaw county, to redeem certain lands sold for taxes and purchased by the State.

WHEREAS, in the year 1868, the tax collector for Choctaw county, Alabama, sold the following lands, to-wit: East half of northeast fourth of section eleven, township fifteen, range four, west, for the taxes, interest and cost then remaining due and unpaid on said lands for the year eighteen hundred and sixty-seven, assessed to owner unknown, and purchased by the State; and whereas, the tax collector of Choctaw county, in the year eighteen hundred and seventy, sold in the same land, with other lands, to-wit: East half of southeast fourth of section one, township fifteen, range four, west, for the taxes and cost for the year eighteen hundred and sixty-nine, assessed to owner unknown, and James Johnson became the purchaser, but said lands were returned as purchased by the State; and whereas, the said James Johnson had paid the taxes on said lands since, and

Remission of taxes

Preamble

transferred certificate of purchase to Orcine D. Rutledge:

SECTION 1. Be it enacted by the General Assembly of Alabama, That the said Orcine D. Rutledge, Authority to or her legal representative, shall have full power and redeem authority to redeem said lands at any time within twelve months from and after the passage of this act, by paying the Auditor the sum of one dollar and eighty cents.

Auditor to issue SEC. 2. Be it further enacted, That upon the receipt of the money by the Auditor, as aforesaid and redemption provided in the first section of this act, it shall be the duty of said Auditor, under his official seal, to issue a certificate of redemption, which certificate shall convey to the person or persons so reclaiming all the rights, title, and interest acquired by the State of Alabama by her purchase at said sale.

Approved, December 8, 1873.

No. 113.] AN ACT

To authorize Mrs. Virginia Owen Green, wife of Thomas F. Green, of the county of Jefferson, to purchase the property and to mortgage the same for the security of the unpaid purchase money.

Authority to SECTION 1. Be it enacted by the General Assembly of Alabama, That Mrs. Virginia Owen Green, purchase bly of Alabama, That Mrs. Virginia Owen Green, wife of Thomas F. Green, of the county of Jefferson, be authorized to purchase the property known as the (Owen Homestead, (in the City of Tuscaloosa, with her separate statutory estate, and may execute a mortgage upon the same, conditioned to secure the balance of the unpaid purchase money to her vendor : Provided her husband, Thomas F. Green, shall first in writing consent thereto.

SEC. 2. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved December 17, 1873

No. 114.] AN ACT

For the relief of Mrs. Isabella M. Bradley, wife of Joseph C. Bradley, of Huntsville, Madison county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Mrs. Isabella M. Bradley, wife of Joseph C. Bradley, is hereby authorized and empowered to mortgage her separate estate under the laws of this State, in any manner which she and her said husband may deem advisable for the purpose of securing the payment of any debt or debts contracted by said husband, or which he may hereafter contract, or for the purpose of raising money to pay the same, the object and intent of this act being to confer on the said Isabella M. the same power to sell and convey or mortgage her separate statutory estate, with the advice and consent of her said husband for the purposes aforesaid, which she would have if she were an unmarried woman anything in the laws of this State to the contrary notwithstanding.

Approved, December 15, 1873.

Authority to mortgage

No. 115.] AN ACT

For the relief of Thomas C. Lanier, guardian of Belton Lanier, a minor.

SECTION 1. Be it enacted by the General Assembly of Alabama, That E.D. Willes, the trustee in a deed of conveyance for the beneficial use of Belton Lanier, in Pickens county, Alabama, in and to certain lands in Pickens county, be, and he is hereby authorized and empowered to sell said lands at private sale, on such terms as said trustee may think best, for the interest of said minor, retaining a vendors lien, should he sell on a credit of one or more years.

SEC. 2. Be it further enacted, That said trustee is empowered to make good and valid title to the purchase, and is further authorized and empowered

Authority to sell a private sale

Other authority conferred

upon T.C. Lanier, a citizen of the State of Florida, the father of said Belton Lanier, filing with the probate judge of Pickens county, a duly certified transcript of his appointment, letters and bond as guardian of said Belton, from Sumpter county, Florida, said trustee E.D. Willes, is authorized and empowered to pay over to said Thomas C. Lanier, the money and notes for the purchase money of said lands, and that such payment of money or money and notes to Thomas C. Lanier, shall operate as a final discharge of said trustee, from all liability to account further as such trustee of said Belton Lanier, minor.

SEC. 3. Be it further enacted, That upon the Removal of filing with the probate judge of Pickens county of said estate said appointment, titles and bond, the probate judge aforesaid shall make an order for the removal of said estate of said minor, to the State of Florida, and such order of said court shall operate as a full and final discharge of said trustee from further accounting in said trust matter.

Approved Dec. 17, 1873.

No. 116.] AN ACT

For the relief of Thomas H. Bailey, of Washington county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Washington county, is hereby authorized Authority to allow his certain claims to allow to Thomas H. Bailey, such pay for his services as clerk of the circuit court of said county, for two years preceding the first of September 1865, as was allowed by section 3043 of the Code of 1852.

Payable out of the treasury of Washington county. SEC. 2. Be it further enacted, That on the allowance of such claim, the same shall be payable out of the treasury of Washington county.

Approved December 11, 1873.

No. 117.] AN ACT

For the relief of the City of Montgomery.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the city council of Montgomery is hereby authorized to issue certificates of indebtedness to any of its creditors, not exceeding in the aggregate the sum of eighty thousand dollars, which shall bear interest from date and be payable at such time or times as it may determine, not exceeding three years from date, and for the payment of said certificates, should the general revenue of the city be deemed inadequate, the said council may pass ordinances for assessing and collecting any tax or taxes additional to those now authorized upon property of any kind within the limits of the City of Montgomery, not exceeding one-half of one per centum per annum upon the cash value thereof, or upon any business, profession, or pursuit carried on within said city, which shall be deemed adequate to the payment of the said indebtedness within a reasonable time from the passage of this act.

Approved, December 15, 1873.

Authority to issue
certificates of
indebtedness and
limit of issue

No. 118.] AN ACT

For the relief of the Shapard Hall Female College
at LaFayette, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the professors and tutors of Shapard Hall Female College, be, and they are hereby authorized and empowered to grant diplomas to such graduates as they may deem meritorious, in the like manner and form, and for the same purposes that diplomas are granted in the highest institutions of learning; and also to confer upon such other persons as they may deem fit, such degrees of literary distinction as are usually conferred by faculties of literary institutions in the United States.

Approved December 15, 1873

Authority to grant
diplomas

No. 119.] AN ACT

To legitimate the children of Anna Jones, born before her marriage with Josiah Jones, of the county of Covington.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the children of Anna Jones, Children legit to-wit: Mat. Jones, Wm. H. Jones and Minda imated Jones, of the county of Covington, are hereby made legitimate, and that said above named children are hereby put on an equal footing as to inheritance of property belonging to Josiah Jones, as the issue of a former marriage of said Josiah Jones.

Approved December 3, 1873.

No. 120.] AN ACT

For the relief of Giles Kelley, of Coosa county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Coosa county be, and it is hereby authorized and empowered to appropriate, out of the funds of said county set apart for the feeding and taking care of the paupers of said county, such an amount as, in the discretion of said court, will be sufficient for the relief of Giles Kelley, a deformed person of said county, and that said appropriation be made without requiring him to remain at the poor house of said county.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and they are hereby repealed.

Approved, December 17, 1873.

No. 121.] AN ACT

For the relief of Creed Taylor, assignee of John L.
Kirby, of the county of Marshall.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of the county of Marshall be, and they are hereby authorized and empowered to order to registration for payment a certain claim allowed to John L. Kirby in the month of August, in the year 1870. and subsequently transferred of Creed Taylor, of said county, if, in the opinion of said court, upon investigation, they believe it is a just and equitable claim against said county.

Approved, December 8, 1873

County
commissioners to
allow his claim

BLANK PAGE

JOINT RESOLUTIONS

No. 1.] JOINT RESOLUTIONS

Instructing our Senators and Representatives in Congress to use their influence to secure to the State the amount due from the United States on account of the claim of 5 per cent. on the lands within the State taken up by land warrants issued by the United States.

WHEREAS, At the last session of the General Assembly of the State of Alabama, a joint resolution was passed, approved March eighteenth, eighteen hundred and seventy-three, authorizing the Governor of this State to appoint an agent in behalf of the State to prosecute a claim of the State against the United States, arising under sub-division three, section 6, of the act of Congress for the admission of the State into the Union, passed March 2, 1819, to-wit: For 5 per cent of the nett proceeds of the lands lying within this State, taken up since September 1st, 1819, by land warrants issued by the United States in part consideration for military service, ordered pursuant to the laws of Congress; and

Whereas, The Governor of this State has appointed an agent for the prosecution of this claim, and steps have been taken to press the allowance of said claim at the next session of the Congress of the United States; now therefore.

Be it resolved by the House of Representatives of the State of Alabama, (the Senate concurring).

1. That our Senators and Representatives in Congress be, and they are hereby requested and in-

structed to examine into the merits of this claim at as early a day as possible, and to use their efforts and influence in Congress to secure to the State whatever may be just and due to her from the United States in the premises.

2. That the clerk of this House be, and is hereby directed to forward to each Senator and Representative in Congress a certified copy of this joint resolution.

Approved December 3, 1873.

No. 2.] JOINT RESOLUTION

Of thanks to the city authorities of the cities of Opelika, Birmingham and Talladega.

Resolved by the House of Representatives, (the Senate concurring), That the thanks of the General Assembly of Alabama are hereby rendered to the city authorities of the cities of Opelika, Birmingham and Talladega, for their generous offer of the public buildings of their respective cities lately tendered by them for the use of the State officers and the General Assembly at the present term.

Approved December 3, 1873.

No. 3.] JOINT RESOLUTION,

Relating to the (Patton money,(

Be it resolved to the House, (the Senate concurring), That the finance committee of each house jointly do inquire into the cause of the depreciated condition of the State notes, known as the Patton money, and adjust some plan to the General Assembly for their consideration, by which some remedy may be perfected.

SEC. 2. Be it further resolved, That said committee report by bill or otherwise.

Approved, Dec. 3, 1873.

No. 4.] JOINT RESOLUTION

To raise a joint committee to inspect the Alabama State Penitentiary, and other places of confinement of convicts, and to inquire into the treatment of the same.

SECTION 1. Be it enacted by the Senate of Alabama, (the House of Representatives concurring), That a join committee of two on the part of the Senate, and three on the part of the House, be appointed to inspect the Penitentiary prison, and the convicts therein; and also the Penitentiary plantation, or other places where Penitentiary convicts are worked, and to inquire into the treatment of the same, and to report to this General Assembly before its adjournment.

Approved Dec. 8, 1873.

No. 5.] JOINT RESOLUTION

Ordering the printing, distribution and preservation of certain Journals therein mentioned.

Be it resolved by the General Assembly of Alabama, That the journals of the proceedings of the bodies of persons, claiming to be the Senate and House of Representatives, respectively, of this State, that assembled as such in the capitol of the State, at Montgomery, on the third Monday (18th) day of November, in the year eighteen hundred and seventy-two, and of their subsequent meetings and proceedings as such until or before the reorganization of the General Assembly of Alabama according to the plan therefor proposed, on behalf of the President of the United State, by the Attorney General thereof, under date of the eleventh day of December, in said year 1872, be printed, published and distributed in the same manner and to the same extent, and that the originals of said journals be kept and preserved in the same manner as have been or may be the journals of the proceedings of the bodies claiming to be the Senate and House of Rep-

representatives, respectively, of this State, that assembled as such in the court rooms of the district court of the United States, in Montgomery, on said third Monday of November, in the year 1872, and of their subsequent meetings and proceedings as such until or before the reorganization aforesaid, and that the publication herein referred to be made in conjunction with the journals of the present session of the General Assembly, together with this resolution ordering the same.

Approved December 12, 1873.

No. 6.] JOINT RESOLUTION

To provide for the payment and discharge of the claims held by the Alabama Insane Hospital and the Alabama Institution for the Deaf and Dumb and the Blind against the State of Alabama, for the quarter of the fiscal year ending on the 30th of September, 1873.

Be it resolved by the Senate of Alabama, the House of Representatives concurring therein, That it is hereby made the duty of the Treasurer of Alabama to pay to the treasurer of the Alabama Insane Hospital the sum of nineteen thousand one hundred and ten dollars \$ 19, 110) in State certificates, in full discharge of the claim of said Asylum upon the State for the support of the indigent insane for the quarter ending on the 30th day of September, 1873: Provided, Said asylum shall surrender to the Treasurer of the State, to be by him cancelled, all evidences of claim or debt now held by said asylum against the State for the support of said indigent insane for said quarter of the fiscal year aforesaid; And provided further, That the trustees of said asylum for the indigent insane shall account with the Auditor of State for any surplus of the said nineteen thousand one hundred and ten dollars in State certificates which may remain after paying off and discharging the debts of the institution for the quarter ending September 30, 1873.

And be it further resolved, That it is hereby made

the duty of the Treasurer if Alabama to pay to the treasurer of the Alabama Institute for the Deaf and Dumb and the Blind the sum of five thousand four hundred dollars in State certificates, in full discharge of the claim of said institution upon the State for the support of the indigent deaf and dumb and blind for the quarter ending on the 30th day of September, 1873: Provided, That the said institution shall surrender to the Treasurer of the State, to be by him cancelled, all evidences of claim or debt now held by said institution against the State for the support of said indigent deaf and dumb and blind for said quarter of the fiscal year aforesaid: And further provided, That the trustees of the Asylum for the Deaf, Dumb and Blind shall likewise account with the Auditor of State for any surplus of the said five thousand four hundred dollars in State certificates which may remain after paying off the debts of the asylum for the quarter ending September 30, 1873.

Approved December 6, 1873.

No. 7.] JOINT RESOLUTION

Making appropriation for a safe in the office of the Secretary of State.

Be it resolved by the House of Representatives, the Senate concurring, That the sum of three hundred and twenty-five dollars (\$325.00) be, and the same is hereby appropriated for the payment of a safe in the office of the Secretary of State, to be paid out of any moneys not otherwise appropriated, in the State treasury.

Approved December 17, 1873.

No. 8.] JOINT RESOLUTIONS

Providing for the employment and pay of a Messenger for the Judiciary Committee of the House.

Be it resolved by the House of Representatives the Senate concurring, That the Judiciary Committee of the House of Representatives is authorized to employ a messenger for said committee, whose pay shall be and is hereby fixed at two dollars per diem during the time he shall be so employed by said committee, and said per diem shall be certified and drawn as is now provided for other employees in said House of Representatives.

Approved December 17, 1873.

ACTS
OF THE
BOARD OF EDUCATION.

SCHOOL LAWS

NO. 1.] AN ACT

To provide for the publication of the School Laws and proceedings of the Board of Education and Board of Regents at session of 1873.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the Superintendent of Public Instruction be, and he is hereby authorized to have published three thousand copies of the school laws passed at this session of the Board, and such official circulars as he may deem necessary.

Three thousand
copies of laws

SEC. 2. Be it further enacted, That said Superintendent of Public Instruction be, and he is hereby authorized to have published five hundred copies of the proceedings of the Board of Education and Board of Regents at the present session.

Five hundred copies
of proceedings

SEC. 3. Be it further enacted, That the sum of one hundred dollars be, and is hereby appropriated to pay J.H. Francis, Clerk of the Board of Education, for preparing said proceedings for publication, and the Superintendent of Public Instruction is authorized to certify said sum to the State Auditor, who shall draw his warrant on the State Treasurer in favor of J.H. Francis for the same.

Compensation
to clerk

SEC. 4. Be it further enacted, That the Superintendent of Public Instruction be, and he is hereby authorized and required to send by express fifteen

Fifteen copies to
each member of
board

copies of said proceedings to each member of this Board.

Approved, Dec. 5, 1873.

No. 2.] AN ACT

To provide for the payment of County Superintendents of Education.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That each county superintendent of education shall receive four (4) per cent of the amount allowed on his quarterly requisition upon the Superintendent of Public Instruction for services performed in accordance with law: he shall also receive three (3) dollars per diem while actually engaged in visiting schools, and in his quarterly requisition he shall make affidavit of the number of days so engaged in visiting schools: Provided, That he shall not receive in any one year more than one hundred dollars for such service in visiting schools: Provided further, That no county superintendent of education shall receive less than \$300 for his entire services as county superintendent of education and for visiting schools.

SEC. 2. Be it further enacted, That no county superintendent of education shall receive any compensation under this act for any requisition made prior to 1873 for moneys which are to be paid out of the school fund for any year preceding the scholastic years 1873 and 1874.

SEC. 3. Be it further enacted, That the provisions of this act shall apply to the scholastic year 1873 and 1874 and all subsequent years.

SEC. 4. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved, December 9, 1873

No. 3.] AN ACT

Relating to the payment of the salaried of County Superintendents of Education for the scholastic year 1872-3.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That county superintendents of education shall be paid their salaries for the scholastic year 1872-3 out of the fund apportioned to their respective counties for that year, in accordance with the provisions of an act to be entitled (an act to provide for the pay of county superintendents of education, (approved Dec. 14, 1871.

Approved, Dec. 9, 1873.

No. 4.] AN ACT

To provided for the removal of county superintendents of education, and for filling vacancies in the same.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the Superintendent of Public Instruction be, and hereby is authorized to remove any county superintendent of education for any one of the following causes, to-wit: For misfeasance or malfeasance in office, for gross incompetency, immorality or drunkenness.

Causes of removal

SEC. 2. Be it further enacted, That the Superintendent of Public Instruction be, and hereby is authorized to fill any vacancy that may occur in the office of county superintendent of education caused by removal, death, resignation or otherwise.

Vacancies, how filled

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved December 5, 1873.

No. 5.] AN ACT

To provide a contingent fund

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the sum of Appropriation one thousand dollars be, and is hereby appropriated of \$100 from the general school fund to provide for the contingent expenses of the Board of Education and Educational Department.

SEC. 2. Be it further enacted, That the Superintendent of Public Instruction shall certify to such claims and accounts as he shall order paid out of such contingent fund to the State Auditor, who shall draw his warrant on the State Treasurer for the amount of said claims and accounts, in favor of the persons to whom said claims and accounts so certified are due.

Approved December 5th, 1873.

No. 6.] AN ACT

To suspend the sale of the 16th sections of lands in certain localities.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the sale of the sixteenth sections of lands in the following counties to-wit: Walker, Jefferson, DeKalb, Etowah, Shelby, Tuscaloosa, Bibb, Blount, Coosa, Cherokee, Winston, Fayette and Marion counties, be, and the same is hereby suspended until after the next session of the Board of Education.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved Dec. 9, 1873.

No. 7.] AN ACT

To repeal an act entitled a act to prevent the employment of teachers unless they can be promptly paid.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That an act entitled an act to prevent the employment of teachers unless they can be promptly paid, approved December 14th, 1872, be, and the same is hereby repealed.

Approved December 6, 1873.

No.8.] AN ACT

Making election day a legal holiday

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the day of holding the general election be, and is hereby declared a legal holiday for teachers in free public schools.

SEC. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved, December 5, 1873.

No. 9.] AN ACT

To fix the length of a scholastic month

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That from and after the passage of this act a scholastic month shall consist of twenty school days, and in computing the time, legal holidays and Saturdays shall not be included.

SEC. 2. Be it further enacted, That the Superintendent of Public Instruction shall prepare blanks for the reports of teachers and school officers, in ac-

Twenty school
days

cordance with the provision of section one (1) of this act.

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved December 6, 1873.

No. 10.] AN ACT

To provide for filing and adjusting all claims against the Educational Department of the State, which accrued prior to the 1st of October, 1873.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That all county Claims to be superintendents, teachers, of free public schools, and filed with sup all other parties who have claims unpaid against the of pub inst(n educational department of the State of Alabama for services rendered prior to the first day of October, 1873, be, and hereby are required to forward to the superintendent of public instruction at Montgomery, Alabama, all such claims, properly made out, with the evidences of said indebtedness, and verified by affidavit of claimant, by the first day of October, 1874.

SEC. 2. Be it further enacted, That all claims When barred mentioned in section one of this act not presented as provided for in said section by the first day of October, 1874, shall be and are hereby barred from collection.

SEC. 3. Be it further enacted, That it shall be Duty of supt the duty of the superintendent of public instruction of public inst(n tion of the State of Alabama, and he is hereby required to file in his office all the claims and evidences of the same forwarded under section one of this act, and to turn them over to the Committee on Finance and Claims, at the meeting of the Board of Education in the year 1874.

Duty of county SEC. 4. Be it further enacted, That each county superintendent superintendent of education in this State be required to have this act posted up in three public places in each township of this county.

Approved, December 5, 1873.

No. 11.]

AN ACT

To provide that tax collectors in certain contingencies shall perform the duties performed by and imposed on County Treasurers.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That in the event the General Assembly should so amend an act entitled, (An act to keep in each county in this State a proportionate share of the public school moneys, (approved April 19, 1873, so as to relieve county treasurers of duties imposed by said act of the General Assembly, and impose the duties imposed by said act on tax collectors of each county instead of, as now on the county treasurers by an act passed at the present session of the Board of Education entitled (An act to provide for the disbursement of school funds in the hands of county treasurers and State treasurer, (shall be imposed on and performed by tax collectors of each county, and such tax collectors shall in that event receive the same compensation for such services as is now provided for county treasurers in said act passed at the present session of the Board of Education entitled (An act to provide for the disbursement of the school funds in the hands of county treasurers and State treasurer. (

SEC. 2. Be it further enacted, That in the event the General Assembly shall repeal said act entitled (An act to keep in each county in this State, a proportionate share of the public school money, (approved April 19, 1873, then the tax collectors of each county treasurers by an act passed at the present session of the Board of Education entitled (An act to provide for the disbursement of the school funds in the hands of county treasurers and State treasurer. (and said tax collectors shall also do and perform all duties imposed on county treasurers by said act of the General Assembly herein before mentioned, and said tax collector shall in that event receive the same compensation provided for county treasurers by said act passed at the present session of

Contingency

What duties

Compensation

How, if general
assembly report

the Board of Education entitled (an act to provide for the disbursement of school funds in the hands of county treasurers and State Treasurer.)

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved, December 9, 1873.

No. 12.]

AN ACT

To provide for the disbursement of school funds in the hands of county treasurers and State Treasurer.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That every county Quarterly re superintendent of education shall, at the close of quitions each quarter, or as soon thereafter as possible, make a requisition in duplicate on the Superintendent of Public Instruction, for so much of the annual apportionment of the school fund to his county as is due for services authorized by law, and actually performed during said quarter, as shown by his quarterly report. The Superintendent of Public Instruction shall examine said requisitions, and if the requisitions do not exceed the amount due by the several townships, he shall return one of said requisitions to the county superintendent of education ap-
Duty of supt. of proved; and if the requisition for any township is pub. instrct(n for an amount exceeding the amount due said township, he shall return it corrected and approved for an amount not in excess of the sum due said township. Each county superintendent of education shall be debited by the Superintendent of Public Instruction in his office with the amount of said requisition when approved.

SEC. 2. Be it further enacted, That each county County supt to superintendent of education, on receipt of said apdraw warrants proved requisition from the Superintendent of Public Instruction, shall draw warrants in favor of each teacher, or the person named in his requisition, for the amount due said teacher or other person for services authorized by law, and shall take receipts in

duplicate for such warrant or warrants from the same, and shall forward one of said receipts to the office of the Superintendent of Public Instruction, which shall be a voucher for the said county superintendent in his settlement of his accounts of said office.

SEC. 3. Be it further enacted, That the warrants drawn by the county superintendents of education upon the county treasurers in favor of teachers shall specify in what township, range and county said teacher rendered service, and out of the fund for what scholastic year and for what race they are to be paid.

SEC. 4. Be it further enacted, That the county treasurer of each county shall pay said warrants out of the school moneys in his hands in the order of their presentation.

SEC. 5. Be it further enacted, That the county treasurer of each county, at the end of each quarter of the scholastic year, shall forward to the Superintendent of Public Instruction a statement of the amount of school money received from the tax collector, and the amount received from, the State Treasurer, and each county treasurer shall be debited with said, amount in the office of Superintendent of Public Instruction. Each county treasurer, at the end of each quarter, shall also forward to the Superintendent of Public Instruction all the warrants paid by him during the quarter, taking a receipt for the same, and said warrants shall be has vouchers for the disbursement of said school. money.

SEC. 6. Be it further enacted, That each county treasurer and county superintendent of education shall make an annual report, showing the operation of their respective offices, and the balance of school money unexpended belonging to their respective counties. Said reports shall be made in accordance with the Instructions of the Superintendent of Public Instruction.

SEC. 7. Be it further enacted, That the State Auditor shall draw his warrant upon the State Treasurer for all amounts ordered by the Board of Education to be certified to the Auditor by the Superintendent of Public Instruction, and the State Treasurer shall pay said warrants.

What to be specified

County treasurer to
pay said warrant

County treasurer to
forward statements

Annual report of
county superintendent

Duty of State Auditor

SEC. 8. Be it further enacted, That as soon as
 Duty of supt. of the Superintendent of Public Instruction Shall make
 pub. instruct(n. his supplemental apportionment provided in section
 fifth of an act of the General Assembly of Alabama,
 (To keep in each county of this State a proportion-
 ate share of the public school money, (approved
 April 19th, 1873 he shall certify to the Auditor the
 amount due each county, and the Auditor shall draw
 his warrant on the State Treasurer for said sum in
 favor of each county treasurer, who shall draw and
 disburse said money in accordance with the provis-
 ions of this act.

Compensation SEC. 9. Be it further enacted, That each county
 of county supt. treasurer shall receive, as compensation for his ser-
 vices, one per centum of all school moneys received
 and disbursed by him under the provisions of this
 act, to be by him retained from said moneys so re-
 ceived and disbursed.

SEC.10. Be it further enacted, That all books
 Books open to and papers of all county officers relating to free pub-
 inspection. lic school moneys and matters shall be open to in-
 spection to all public school officers and teachers.

SEC. 11. Be it further enacted, That all laws and
 parts of laws in conflict with the provisions of this
 act be, and the same are hereby repealed.

Approved Dec. 9, 1873.

No. 13.] AN ACT

To fix the times and places of the meetings of the
 Board of Regents of the State University.

Annual meet- SECTION 1. Be it enacted by the Board of Edu-
 ing. cation of the State of Alabama, That the Board of
 Regents of the State University shall meet annually
 at the State University, in the city of Tuscaloosa,
 on Monday before the first Wednesday in July :

Limit of ses- Provided, That the Board of Regents shall only
 sion. draw per diem for the time they continue in session,
 not to exceed eight days.

Other meetings. SEC. 2. Be it further enacted, That said Board
 may sit and transact business as such Board of Re-

gents in the city of Montgomery during the sessions of the Board of Education.

Approved December 5, 1873.

No. 14.] AN ACT

To prescribe and regulate the compensation of the members of the Board of Regents of the State University.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the members of the Board of Regents of the State University shall receive, while sitting as a Board of Regents, at the State University, as compensation, three dollars per diem while in session as such Board, and three dollars for every twenty miles traveled in going to and returning from the sessions of such Board, to be paid in national currency, or its equivalent, the distance to be determined by the affidavit of the respective members : Provided, They shall receive compensation for not more than eight days.

SEC. 2. Be it further enacted, That the per diem and mileage provided in the first section of this act shall be paid out of the University fund, upon the certificate of each member.

Approved December 5, 1873

Compensation of
annual session

Proviso

No. 15.] AN ACT

To repeal an act entitled (An act to provide for the education of teachers of colored schools,(approved December 20, A.D. 1871.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That an act entitled (An act to provide for the education of teachers of colored schools,(approved the 20th day of December, A.D. 1871, be, and the same is hereby repealed.

SEC. 2. Be it further enacted, That this act re-

Act repealed

When to take
effect

pealing the said act hereinbefore mention shall
take effect and become operative on and after the
first day of January, A.D. 1874.
Approved, December 9, 1873.

No. 16.]

AN ACT

To amend the title and section 1 of an act entitled
an act to establish a normal school at Florence,
Alabama, for the education of white male teach-
ers

Recitation

SECTION 1. Be it enacted by the Board of Educa-
tion of the State of Alabama, That the title and sec-
tion one (1) of the above recited act, which is in
words and figures as follows, to-wit: (An act to es-
tablish a normal school at Florence, Alabama, for
the education of white male teachers. Sec. 1. Be it
enacted by the Board of Education of the State of
Alabama, That if the president and trustees of the
Florence Wesleyan University shall, by January
25, 1873, cause to be deposited with the State Super-
intendent of Public Instruction, a deed to the
grounds and buildings of the Florence Wesleyan
University, which deed shall be in favor of the Board
of Education of the State of Alabama, then by the
first day of October, 1873, and in consideration of
the above named deed, there shall be permanently
established in said University buildings, a school
for the education of white male teachers, which
shall be taught on such conditions and under such
restrictions as may hereafter prescribed by law:
Provided: That any pupil may be released from
all obligations to teach by paying a moderate

tuition for the time he may attend the school:
Provided further: That as an additional considera-
tion for the above named deed, that there shall be
annually appropriated and set apart from and after
the first day of October, 1873, at least five thou-
sand dollars of the general educational fund of the
State apportioned to the whites for the support and
maintenance of said school: Provided further, That
the grounds and buildings of the said Florence Wes-

Wesleyan University shall remain in the possession, and under the control of the said president and trustees, free of all charges for rent or use until October 1st, 1873, (be and the same is hereby amended so as to read as follows, to-wit: An act to establish a normal school at Florence, Alabama, for the education of white male and female teachers. Section 1. Be it enacted by the Board of Education of the State of Alabama, That if the president and trustees of the Florence Wesleyan University shall, by January 25th, 1873, cause to be deposited with the State Superintendent of Public Instruction a deed to the grounds and buildings of the Florence Wesleyan University, which deed shall be in favor of the Board of Education of the State of Alabama, then by the 1st of October, 1873, and in consideration of the above named deed, there shall be permanently established in said University buildings a school for the education of white male and female teachers, which teachers shall be taught on such conditions and under such restrictions as may be hereafter prescribed by law; Provided, That any pupil may be released from all obligations to teach by paying a moderate tuition for the time he or she may attend the school; Provided Further, That as an additional consideration for the above named deed, that there shall be annually appropriated and set apart, from and after the 1st day of October, 1873, at least five thousand dollars of the general educational fund of the State apportioned to the whites for the support and maintenance of said school; Provided further, That the grounds and buildings of the said Florence Wesleyan University shall remain in the possession and under the control of the said president and trustees, free of all charges for rent or use until October 1, 1873.

SEC. 2. Be it further enacted, That the title and section one of the above recited act, amended by this act, and inconsistent with this amendment, is hereby repealed.

Approved, December 5, 1873.

Section as amended

No. 17.]

AN ACT

To establish a State normal school and university
for the education of colored teachers and students.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama. That if the president and trustees of Lincoln School, located at Marion, shall place at the disposal of the Board of Education the school building for the use of said normal school and university, in accordance with articles of agreement that may be entered into between the president and trustees of said Lincoln School and the directors hereinafter named, there shall be permanently established in said school building a State normal school and university for colored teachers and students, and said normal school and university shall be organized and operated under such restrictions and on such conditions as may be provided by law: Provided, That any pupil may be released from all obligation to teach by paying a moderate tuition for the time he may attend the normal school and university; Provided, That as an additional consideration for the above named use of said school building, there shall be annually appropriated and set apart, from and after the first day of January, 1874, two thousand dollars of the general educational fund apportioned to the colored race for the support and maintenance of said normal school and university; Provided, That no portion of said sum shall be used for any other purpose whatever than the payment of teachers of said normal school.

SEC. 2. Be it further enacted, That Porter King, John Harris, Joseph H. Speed, A.H. Curtis, John Dozier, J.H. Sears, John T. Foster, shall constitute a board of directors, which shall be known by the name and style of the Board of Directors of the State Normal School and University for the colored race, and said directors, shall hold their office at the pleasure of the board, and shall receive no compensation.

Vacancy, how filled SEC. 3. Be it further enacted, That any vacancy in said board of directors, caused by death, resignation, or otherwise, shall be filled by the remaining member, subject to the approval of the board.

SEC. 4. Be it further enacted, That the board of directors provided for in this act shall meet in the Lincoln School building, at Marion, at such time as may be designated by the Superintendent of Public Instruction not exceeding sixty days after the passage of this act, and at such other times and places as the board may appoint.

Meeting of the board

SEC. 5. Be it further enacted, That at their first meeting, the members of the board of directors shall choose one of their number as president of their own board, who shall not vote on any question except in case of a tie; and they shall elect a secretary and treasurer, and they shall take such bond from such treasurer as they shall deem sufficient and adequate to secure the faithful performance of his duties, at least double the amount that he may be approved by the county superintendent and probate judge of Perry county, and a certified copy thereof shall be filed in the office of the Superintendent of Public Instruction. The secretary and treasurer shall be chosen annually, and shall hold their offices until their successors are elected and qualified.

Election of officers

SEC. 6. Be it further enacted, That the board shall under the restrictions and limitations of this act, direct the disposal of any and all moneys appropriated to said school, and shall prescribe the duties of the secretary and treasurer thereof.

Disposal of all
moneys

SEC. 7. Be it further enacted, That it shall be the duty of said board to organize a normal school upon the most approved plan, and in connection therewith a university department, in which such a course of instruction shall be established as shall meet the wants of the colored race, and provide for their education in the higher departments of learning, it being the intent and purpose of this act to provide for the liberal education of the colored race in the same manner as is already provided for the education of the white race in our university and colleges. The board of directors shall elect a president and a sufficient corps of instructors, who shall constitute a faculty of said normal school and university; and shall adopt such rules and regulations as may be necessary for the organization and

Organization of
the school and
university

successful operation of said normal school and university, and the faculty shall have power to pass all rules and regulations necessary for the discipline of said institution, subject to the approval of the board of directors.

SEC. 8. Be it further enacted, That the president of the board of directors shall make a full and complete annual report to the Board of Education, through its president, of the operation of said normal school and university, specifying the number of pupils, the number of professors or teachers, the amount of salary each, the amount of money received and disbursed, and such other information as may be required by law.

SEC. 9. Be it further enacted, That applicants for admission to said normal school and university shall be not less than fourteen years of age, and shall sustain a satisfactory examination in such studies as may be required by the faculty.

SEC. 10. Be it further enacted, That students shall be admitted from any portion of the State, and shall receive instruction free of charge for tuition, upon signing a written obligation to teach at least two years in the public schools of Alabama, and said obligation shall be filed in the office of Superintendent of Public Instruction: Provided, That any student may be released from said obligation by paying such tuition as may be established by the board of directors.

SEC. 11. Be it further enacted, That upon the completion of the prescribed course of study in said normal school and university, and after sustaining a satisfactory examination, upon the recommendation of the president, approved by the board of directors, the Superintendent of Public Instruction shall issue a State certificate to the graduates of said normal school and university.

SEC. 12. Be it further enacted, That in connection with said normal school and university there may be established a public school or other school.

SEC. 13. Be it further enacted, That the money appropriated and due to said school shall be certified annually by the Superintendent of Public Instruction to the State Auditor, upon application of the president of the board of directors, and the State

Auditor shall thereupon draw his warrant upon the State Treasurer in favor of the treasurer of said normal school and university, for the amount thus certified.

SEC. 14. Be it further enacted, That all laws and parts of law in conflict with the provisions of this act be, and the same are hereby repealed.

Approved, Dec. 6, 1873.

No. 18.] AN ACT

To provide for a Colored Normal School at Huntsville, in Madison County, in the State of Alabama.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That there shall be established at Huntsville, in this State, a normal school for the education of colored teachers. Pupils shall be admitted free of charge for tuition in said school, on giving an obligation in writing to teach in the free public schools of this State for two years after the become qualified. Said school shall not be begun or continued with a less number than twenty-five pupils, nor shall said school be taught for a less period than nine months in each year.

SEC. 2. Be it further enacted, That there be, and is hereby, appropriated out of the general school fund appropriated out of the general school fund appropriated to the colored children, the sum of one thousand dollars annually for the maintenance and support of said school, and that the apportionment of the general fund for the colored race shall be made to the different counties of this State after the deduction of said sum of one thousand dollars herein appropriated for said school at Huntsville.

SEC. 3. Be it further enacted, That said school be under the direction, control and supervision of a board of direction, control and supervision of a board of three commissioners, who shall consist of the following persons, to-wit: James. W. Steele, Joseph C. Bradley and Larkin Robinson, who may fill any vacancy that may occur in said board of commissioners. Said commissioners shall elect one

School authorized

Pupils free
on condition

Term of session

Appropriations
of fund

Board of
commissioners

of their number chairman, who shall report annually to the Board of Education how many pupils have been in attendance at said school, what branches have been taught, and all other facts of interest and importance appertaining to said school, and said commissioners shall make a like report quarterly to the Superintendent of Public Instruction.

Chairman to SEC. 4. Be it further enacted, That the chairman give bond of said board of commissioners shall give bond in double the amount of said appropriation to said school for the legal and faithful application of the sum appropriated by this act, said bond to be approved by the judge of probate of Madison county, and a certified copy thereof shall be sent to the Superintendent of Public Instruction to be filed in his office.

SEC. 5. Be it further enacted, That the chairman Chairman to of said board of commissioners, after having given preset a re bond as hereinbefore prescribed, and said bondquisition shall have been approved as herein provided, and a certified copy thereof filed in office of Superintendent of Public Instruction, shall present to the Superintendent of Public Instruction a requisition for the amount herein appropriated, namely, one thousand dollars, and te Superintendent of Public Instruction shall thereupon certify the said amount of one thousand dollars to the State Auditor, who shall draw his warrant for said sum on the State Treasurer, payable to said chairman of said board of commissioners, for the maintenance and support of said normal school.

SEC. 6. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved, Dec. 9, 1873.

No. 10.] AN ACT

To ratify the removal of E.J. Morgan, and the appointment of P.D. Barker, as Superintendent of Education for the county of Dallas.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the removal by the Superintendent of Public Instruction, of Edward J. Morgan, from the office of superintendent of education for the county of Dallas, on account of drunkenness, on the first day of July, 1873, and the appointment by him of P.D. Barker to said office on the 9th day of July, 1873, be, and the same are hereby in all things ratified and confirmed, and that the said P.D. Barker be, and he is hereby declared to be the superintendent of education for the county of Dallas from time to time of his appointment and qualification.

Approved, Dec. 5, 1873.

No. 20.] AN ACT

To legalize the action of the trustees of township 17, range 5, east, Marengo county in opening and operating the free public schools for the year 1872-73.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the action of trustees of township 17, range 5, east Marengo county, in using the funds arising from the rent of the sixteenth section fund for the purpose of operating two colored schools on the basis of fifty dollars per month, for the salary of the teachers of the two colored schools, and sixty dollars per month for the salary of the teacher of the white school in said township during the year 1872-73, be, and the same is in all things ratified and continued.

SEC. 2. Be it further enacted, That the superintendent of Marengo county is hereby authorized and required to settle with said teachers in accordance with the provisions of section 1 (one) of this

Action legaliz(d

Basis of allowance

County supt. to settle
with the teachers

Proviso act: Provided, That none of the surplus now on hand of said 16th section fund shall be used except the amount to be apportioned and belonging to the colored citizens of said township who sign a re-
Further provi linquishment to the same: And provided further, so That the amount so used shall be distributed pro rata among those who sign such relinquishment

Approved December 6, 1873.

No. 21.] AN ACT

To legalize the act of the township trustees of township 5, of range 6, east of Jackson county.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the contract Authority con for drawing off a lake in section 16, of township 5, ferred of range 6, east in Jackson county, made and entered into April 1873, between Thomas B. Parks, and B.W. Tipton, trustees of said township and range, and one Nathaniel McCurdy, be, and the same is hereby ratified.

Approved, Dec. 9, 1873.

No. 22.] AN ACT

To authorize the Superintendent of Education of Perry county, to settle the accounts of Josephine Thomas, Mary F. Thomas, B.R. Thomas, C.J. Thomas, John Dozier, G.S.W. Lewis, Mrs. Matt Smite, Mrs. Bethre Obering.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the superintendent of education of Perry county is hereby authorized and required to ascertain the amounts due Josephine Thomas, Mary F. Thomas, B.R. Thomas, C.J.. Thomas, John Dozier, G.S.W. Lewis, Mrs. Matt Smite, Mrs. Bethre Obering, for services rendered in the free public school in accordance with law, in the county of Perry, and he

shall pay the amounts due said persons above named out of any funds for the year 1871, due the respective townships in which they taught.

Approved December 9, 1873

Out of funds of 1871

No. 23.] AN ACT

To pay Jas. L. Tait, for services rendered in examining the mineral sixteenth sections.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the sum of five hundred dollars be, and the same is hereby appropriated out of any unexpected money belonging to the school fund or so much thereof is necessary, to pay Jas. L. Tait, for services rendered in pursuance of an order of this Board in examining mineral sixteenth sections.

Appropriation of \$500

Sec. 2. Be it further enacted, That the Superintendent of Public Instruction, is hereby authorized and required to examine the claim of same Jas. L. Tait, and he shall certify the amount due him for said services specified in section one of this act, to the Auditor, who shall draw his warrant for said amount so certified upon the Treasurer, who shall pay the warrant out of the money appropriated in section one (1) of this act.

Approved, December 9, 1873.

No. 24.] AN ACT

For the relief of the widow Bryce M. Almond

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the county superintendent of education of Marengo county, is hereby authorized and required to pay to the widow of Bryce M. Almond, the amount due said Bryce M. Almond, deceased, for services rendered as teacher of free public colored school No. 1, in township 17, range 4, east, as shown by his reports, and

Authority conferred

that the receipt of the widow of said Bryce M. Almond, for the money paid to her and due said Bryce M. Almond, deceased, shall be a legal voucher to the county superintendent of education of Marengo county, in his settlement of his accounts with the Superintendent of Public Instruction.

Approved December 9, 1873.

No. 25.] AN ACT

For the relief of Mrs. Georgia Sims, of Chambers county.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That T.W. Authority to Green, county superintendent of education for county supt Chambers county be and the same is hereby instructed to pay to Miss Georgia Sims, the sum of sixty dollars, for services rendered as teacher in the year 1872, out of any unexpected funds in his hands for said year belonging to township twenty, and range twenty-seven of Chamber county.

Approved Dec. 6, 1873.

No. 26.] AN ACT

To provide for the relief of Miss D.W. Caller.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the superintendent of education for the county of Clarke, Authority to be, and he is hereby instructed to pay out of any county supt unexpected school funds belonging to township 6, range 4, east, of said county for the year 1872, the claim of Miss D.W. Caller, for the sum of eighty dollars, for services rendered by her as teacher in the year 1872.

Approved, December 5, 1873.

No. 27.] AN ACT

For the relief of Miss V.C. Law, of Clarke county.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the superintendent of education of Clarke county, be, and he is hereby instructed to pay the claim of Miss V. C. Law, for the sum of sixty-four dollars for services rendered as teacher during the first term of scholastic year 1873, before the public schools of said year were ordered closed, out of any unexpended funds sue township eleven (11), range one (1) west, of said county for the year 1873.

Approved December 5, 1873.

Authority to
county supt

No. 28.] AN ACT

For the relief of W.J. Johnson, of township 12,
range 2, east, Clarke county.

SECTION 1. Be it enacted by the Board of Education of the State of Alabama, That the superintendent of education for Clark County, be and he is hereby instructed to pay out of any unexpended funds due township 12, range 2, east, of said county for the year 1873, the claim of W.J. Johnson, for forty dollars for services as teacher, rendered during said scholastic year before the public schools of said year were closed.

Approved December 5, 1873.

Authority to
county supt

TITLES

Nos	PUBLIC OR GENERAL ACTS	PAGE
1.	To secure a more thorough assessment of the real property of the State.....	35
2.	Relating to the term of office of the several tax collectors in this State.....	36
3.	To prevent tax collectors, and all others engaged in collecting the revenue of the State, from buying, selling, or otherwise trading in State warrants, certificates and other securities for the State.....	37
4.	To provide for the redemption of lands sold for taxes and purchased by the State.....	40
5.	To provide for the funding of the domestic debt of the State.....	40
6.	To codify and revise the statute laws of the State of Alabama of a general and public nature.....	50
7.	To authorize executors, guardians, administrators or trustees to make investments in bonds, obligations and securities of the United States and of the State of Alabama.....	52
8.	To amend section four of an act entitled (An act to regulate property exempt from sale for the payment of debts, (approved April 23, 1873.....	53
9.	To authorize the Secretary of State to employ temporary clerks, and for the payment of certain clerical services heretofore rendered.....	55
10.	In relation to victualing prisoners in jail.....	55
11.	To regulate the confinement and discharge of persons charged with misdemeanors.....	56

12. To constitute the purchasers of any railroad here- after sold under authority of any law of this State a body politic and corporate.....	56	
13. To regulate the trial of attachment cases.....		57
14. To prevent the judges of the circuit, criminal and city courts from holding any other officer during their respective terms of office.....	58	
15. To amend Section 3470 of the Revised Code.....	58	
16. To amend an act entitled an act to fix the time of holding the courts in the fifth judicial circuit.....	59	
17. For the protection of unfortunate females, and to prohibit their being worked on the public streets of the several incorporated towns and cities of this State as a means of punishment for the violation of city or town ordinances.....	60	
18. To make appropriations for the fiscal year ending 30th September, 1874.....	60	
19. To provide for the support of the common schools of this State for the current year.....	63	
20. To provide fuel and clothing for the convicts in the penitentiary.....	63	
21. To provide for the support of the Freedman(s Hos- pital, located near the city of Talladega, Alabama.	64	
22. Authorizing the Superintendent of Public Instruc- tion to compromise the liability of the securities on the official bond of William J. Gilmore, later super- intendent of public schools in Choctaw county.....	65	
23. To provide for the adjustment of the claims of all agents, commissioners and all other persons claim- ing compensation for services rendered in selecting and securing title to the swamp and overflowed lands in the State of Alabama.....	65	
24. To establish an inferior court of record in the town of Decatur, Alabama.....	68	
25. To authorize the judge of the seventh judicial cir- cuit to hold a special term of the circuit court for Sumter county for the disposal of unfinished crim- inal business.....	73	
26. To authorize the holding of a special term of the cir- cuit to hold a special term of the circuit court for Sumter county for the disposal of unfinished crim- inal business in the county of Hale.....	73	
27. To extend the time of holding the circuit court of Limestone county.....	74	
28. To require the criminal docket in the circuit court		

Talladega county to be set for trial on the third week of the term.....	74
29. To amend section three of an act entitled an act to confer civil jurisdiction upon the city court of Mobile, approved February 13, 1872.....	75
30. To fix the time of holding the chancery courts for the sixth district of the eastern division, composed of the county of Macon.....	75
31. To fix the time of holding the chancery courts for the county of Cleburne.....	76
32. To create the eleventh chancery district of the northern chancery division.....	76
33. To establish a new chancery district of the county of Covington.....	77

PRIVATE OR SPECIAL ACTS

34. To remove the guardianship of Lillie Bowden, a minor, from the probate court of Butler county, Alabama, to the probate court of Shelby county, in the State of Tennessee.....	78
35. To remove the administration of the estate of Thomas C. Daniel, deceased, from the county of Autauga to the county of Perry.....	79
36. To authorize Augus McAllister, administrator of the estate of A. J. McAllister, deceased, to sell land belonging to said estate.....	79
37. To authorize David R. Leonard, the administrator of the estate of J. Glen Leonard, deceased, to sell the lands of said estate at private sale, without making application, proof, and obtaining an order of court as is usually done.....	80
38. To authroize Ann S. Price, administratix of the estate of Oliver T. Price, deceased, to sell certain lands at private sale for the purpose of paying off the debts of said decedent.....	81
39. To amend sections six (6), ten (10), twelve (12) and fifteen (15) of an act entitled (An act to establish a city court for the county of Lee, with criminal and civil jurisdiction,(&c, and to repeal certain sections therein named.....	81
40. To regulate the disposition and management of the bequest made by James Wallace, late of Lawrence	

county, Alabama, for the benefit of free public schools in township seven, range nine, west, in said county.....	85
41. To repeal an act entitled, (An act in relation to the fine and forfeiture fund of Tuskaloosa county, and other counties therein named,(approved March 27, 1873, so far as the same relates to Choctaw and Blount counties.....	87
42. To repeal an act entitled (An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence,(approved March 3, 1870, so far as the same related to the counties of Jefferson and Walker.....	88
43. To prohibit the sale of giving away of vinous or spirituous liquors within two miles of Gaylesville High School, in Cherokee county; within two miles of Methodist Church, South, known as (Harmony,(Elmore county; within two miles of Hopewell Methodist Church and Hopewell Academy, in the county of Lowndes; within three miles of the Nottasulga Academy, in Macon county, and within three miles of the town of Vernon, Sanford county	88
44. To prohibit any person from selling, giving away, or otherwise disposing of spirituous liquors within four miles of the following named churches; (Letohatchie Methodist,((Tabernacle Methodist,(in Montgomery county, six miles northeast of Letohatchie; (Steep Creek Baptist Church,(three and one-half mile northwest of Letohatchie, in the county of Lowndes, and Pleasant Valley Methodist Church, in said county.....	89
45. To prohibit the sale of giving away of spirituous liquors within five miles of Sulphur Springs Church, Cane Creek Church, Oak Bowery Church Mount Zion Church, and Hebron Church, in Calhoun county, and Blue Eye Church, Refuge Church, Patton(s Chapel Church, Bethel Church, Forrest Hill Church, and the colored people(s church (near Forrest Hill) in Talladega county.....	90
46. To prohibit the sale, gift or barter of intoxicating liquors within two miles of Marble Spring Presbyterian Church, Owen Spring Methodist Church, Sa-	

lem Baptist Church, and the town of Estaboga, in Talladega county.....	97
47. To prohibit the sale or giving away of any vinous or spirituous liquors within four miles of the Round Mountain Iron Works and Tecumseh Iron Works or Coaling Grounds, in Cherokee county.....	92
48. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters or other intoxicating beverages, within two miles of Yorgesboro, a station on the Western Railroad of Alabama, and within one and a quarter miles of the kilns of the Chewacla Lime Company, both in the county of Lee.....	92
49. To amend an act entitled (an act to prevent the sale of liquor within a mile of Choccolocco Bridge, on Truss(Ferry road, in Talladega county,(approved January 27, 1872.....	93
50. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or other intoxicating beverages, within two and a half miles of the Pierce Coal Mines, in section 12, township 14, range 3 west, and also within two and a half miles of New Castle Coal Mines, in Jefferson county.....	94
51. Making it unlawful for any person to sell, give or make use by drinking in a public place, any vinous, or spirituous, or intoxicating liquors, in, at, or within five miles of the town of Centre, the county seat of Cherokee county, and for other purposes as therein shown.....	95
52. To prohibit the sale or giving away spirituous, vinous or malt liquors within two and a half (21/2) miles of Dudleyville Academy, in the county of Tallapoosa.....	96
53. To prohibit the sale, giving away or otherwise disposing the spirituous, vinous or malt liquors, intoxicating bitters or other intoxicating beverages, within three miles of Enon Cumberland Presbyterian Church, in Jefferson county.....	97
54. To prohibit the sale of vinous or spirituous liquors within three miles of Smith(s Camp Ground, located in the county of Choctaw.....	98
55. To prohibit the sale or otherwise disposing of spirituous, vinous, or malt liquors within two and a half	

miles of the (Choctaw Camp Grounds,(in Choctaw county, during certain times.....	98
56. To prohibit the selling of vinous, spiritous or malt liquors, or intoxicating bitters, within three miles of Piny Grove Church and school house, in Morgan county.....	99
57. To prohibit the sale of spirituous liquors within three miles of either of the churches in the village of Salem, in the county of Lee.....	100
58. To prohibit the sale, gift, or barter of intoxicating liquors within five miles of Jackson Shoals, in Talladega county.....	100
59. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within two miles of Mount Hilliard Church, in Bullock county.....	101
60. To provide for the payment of the debt of Butler county.....	103
61. To amend sections 1314 and 1317 of the Revised Code of Alabama so far as the same relates to Calhoun county.....	103
62. To repeal an act entitled (an act requiring the justices of the peace of Chambers and Cleburne counties to act as apportioners and supervisors of public roads within their respective beats,(approved December 16, 1871, so far as it relates to Chambers county.....	104
63. To repeal an act entitled an act declaring White Water, in Coffee county, a public highway, approved, February 29, 1848.....	105
64. To amend section six hundred and fifty-two (652) of the Revised Code of Alabama, so far as it relates to the county of Choctaw.....	105
65. To amend an act entitled (an act to authorize the commissioners court of Conecuh county to levy a special tax,(approved December 10, 1868.....	106
66. To lay off the county of Conecuh into four commissioners districts.....	107
67. To authorize the court of county commissioners of the county of Covington to levy a special tax for the payment of grand and petit jurors of said county.....	108
68. To repeal an act to consolidate the offices of tax assessor and collector of the county of Covington, approved February 4, 1850.....	109

69. To repeal an act entitled, (an act to require the court of county commissioners to punish semi-annual exhibits of receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868; and to repeal sections 117 and 118 of an act entitled (an act to establish revenue laws for the State of Alabama,(approved December 31, 1868, so far as the same applies to the county of Crenshaw.....	109
70. To regulate the publication of legal notices in the county of Crenshaw.....	110
71. To define the pay of jurors of Crenshaw county, and to authorize the commissioners court to levy a special tax to pay the same.....	110
72. To provide the weights and measures for the county of Dale.....	111
73. To ratify and confirm the action of the commissioners court of te county of Dallas in the election of a county physician.....	111
74. To enlarge the powers of sheriff in Etowah county, as therein shown.....	112
75. To authorize the court of county commissioners of the county of Jefferson to issue the bonds of said county for an amount not exceeding fifty thousand dollars, for certain purposes therein named.....	113
76. To require the judge of probate of the county of Lauderdale to hold monthly terms of the county court for the trial of misdemeanors.....	114
77. To regulate the fees of constables in the counties of Marengo and Dallas.....	115
78. To regulate the per diem and mileage of members of the commissioners court of Marengo county.....	116
79. To repeal an act entitled (an act to fix the time of holding the court of county commissioners of Marengo county,(approved November 24, 1866.....	116
80. In relation to the fine and forfeiture fund of Marion county.....	116
81. To authorize the commissioners court of Marshall county to allow certain claims against said county..	117
82. To amend (an act to authorize the county of Montgomery to issue bonds,(approved March 7, 1873...	118
83. To define the liability of persons living in the town or village of Whitsler, in Mobile county, to public Road duty.....	119

84. To fix the terms of office of certain municipal officers in the city of Mobile.....	120
85. To provide for increasing the pay of the members of the court of county commissioners of Perry county.....	121
86. To authorize and define the compensation of the board of equalization of Pike county.....	121
87. To amend section two (2) of an act entitled (an act to amend an act to authorize the commissioners court of Pike county to collect a tax to pay bridge claims, if, in their opinion, it is necessary,(approved, April 15, 1873.....	122
88. To repeal section 1374 of the Revised Code of Alabama, so far as relates to the county of Randolph....	123
89. To repeal an act entitled (an act to establish a criminal court for the county of Russell, with criminal and civil jurisdiction,(approved February 26, 1872.....	123
90. To repeal an act entitled (an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence,(approved March 3, 1870, so far as the same applies to the county of St. Clair.....	124
91. To establish an election precinct at Chandler(s Spring in the county of Talladega.....	125
92. To authorize the court of county commissioners for the county of Tallapoosa, in this State, to compromise the bonded debt of said county with the Savannah and Memphis Railroad Company, or other holding the bonds of said county to the said Savannah and Memphis Railroad Company.....	125
93. To allow compensation to the tax assessor of Tuscaloosa county for making the copy of the book of assessment required by law.....	127
94. To establish a new election precinct in the county of Walker.....	127
95. To establish two election precincts in the county of Washington.....	128
96. To repeal an act entitles (An act to regulate the fees of notaries public and justices of the peace for Wilcox county, and to provide for the payment of the same in certain cases,(approved February 26th, 1872.....	128
97. To authorize the Commissioners Court of Wilcox	

county to make all claims against said county preferred claims, when they have been incurred for the comfort and health of prisoners confined in the county jail.....	129
98. To abolish the Court of Quarter Sessions of Wilcox county, and to transfer all the cases therein pending, both civil and criminal, together with all the dockets, papers and books of said Court of Quarter Sessions to the Circuit Court of Wilcox county, Alabama, and to provide for an extra term of said Circuit Court to dispose of the business of said Court of Quarter Sessions.....	129
99. To amend section one of an act entitled (An act to incorporate the City of Birmingham, in Jefferson county,(approved December 19, 1871.....	132
100. To incorporate the town of Courtland in the county of Lawrence.....	133
101. To amend section two of an act entitled (An act to incorporate the town of Guntersville, in the county of Marshall.....	138
102. To amend the charter of the Eureka Mining and Transportation Company of Alabama.....	139
103. To authorize the stockholders of the Eureka Mining and Transportation Company of Alabama, to change the name if said corporation.....	140
104. To amend section one of an act entitled (An act to incorporate the Elba Manufacturing Company of Coffee county,(approved February 10, 1852.....	140
105. To repeal an act entitled (An act to amend an act entitled an act to incorporate the Sepulgah River Manufacturing Company of Conecuh county,(approved December 31, 1868.....	142
106. To authorize the purchasers and their assigns of the railroad corporate franchises, rights and estates of the New Orleans, Mobile and Texas Railroad Company to organize under the corporate name of the New Orleans and Mobile Railroad Company, and to exercise the corporate rights, franchises and privileges of the said company under that name as to the railroads east of the west bank of the Mississippi River.....	142
107. To amend an act entitled (An act to incorporate the Selma Building and Loan Association.(.....	142
108. To relieve W.C. Witherington, the tax collector of Green county.....	145

109. For the relief of William H. Clemmons, tax collector of Chamber county.....	145
110. For the relief of Thomas A. Jones, of Lee county	146
111. For the relief of Mrs. Mary Ann Taylor, of Montgomery county.....	146
112. To authorize Orcine D. Rutledge, of Choctaw county, to redeem certain lands sold for taxes and purchased by the State.....	147
113. To authorize Mrs. Virginia Owen Green, wife of Thomas F. Green, of the county of Jefferson, to purchase property and mortgage the same for the security of the unpaid purchase money.....	148
114. For the relief of Mrs. Isabella M. Bradley, wife of Joseph C. Bradley, of Hunstville, Madison county Alabama.....	149
115. For the relief of Thomas C. Lanier, guardian of Belton Lanier, a minor.....	149
116. For the relief of Thomas H. Bailey, of Washington county.....	150
117. For the relief of City of Montgomery.....	150
118. For the relief of Shapard Hall Female College at LaFayette, Alabama.....	151
119. To legitimate the children of Anna Jones, before her marriage with Josiah Jones, of the county of Covington.....	152
120. For the relief of Giles Kelly of Coosa county.....	152
121. For the relief of Creed Taylor, assignee of John L. Kirby, of the county of Marshall.....	153

JOINT RESOLUTIONS

1. Instructing our Senators and Representatives in Congress to use their influence to secure to the State, the amount due from the United States on account of the claim of five per cent. on the land within the State taken up by warrants issued by the United States.....	155
2. Of thanks to the city authorities of the cities of Opelika, Birmingham and Talladega.....	156
3. Relating to the (Patton money),(.....	156
4. To raise a joint committee to inspect the Alabama State Penitentiary, and other places of confine-	

ment of convicts, and to inquire into the treatment of the same.....	157
5. Ordering the printing, distribution and preservation of Certain Journals therein mentioned.....	157
6. To provide for the payment and discharge of the claims held by the Alabama Insane Hospital and the Alabama Institution for the Deaf and Dumb and the Blind against the State of Alabama, for the quarter of the fiscal year ending on the 30th of September, 1873.....	158
7. Making appropriation for a safe in the office of the Secretary of State.....	159
8. Providing for the employment and pay of Messenger for the Judiciary Committee of the House.....	160

ACTS OF BOARD OF EDUCATION

1. To provide for the publication of the school laws and proceedings of the Board of Education and Board of Regents, session of 1873.....	163
2. To provide for the payment of county superintendents of education	164
3. To provide for the payment of the salaries of county superintendents of education for the scholastic year 1872-3.....	165
4. To provide for the removal of county superintendents of education, and for filling vacancies in the same.....	165
5. To provide a contingent fund.....	166
6. To suspend the sale of the sixteenth sections of lands in certain localities.....	166
7. To repeal an act entitled an act to prevent the employment of the teachers unless they can be promptly paid.	167
8. Making election day a legal holiday.....	167
9. To fix the length of a scholastic holiday.....	167
10. To provide for filing and adjusting all claims against the educational department of the State, which accrued prior to the first of October, 1873.....	168
11. To provide that tax collectors in certain contingencies shall perform the duties performed by and imposed on county treasurers.....	169
12. To provide for the disbursement of school funds in the hands of county treasurers and State Treasurer	170

13. To fix the times and places of the meetings of the Board of Regents of the State University.....	172
14. To prescribe and regulate the compensation of the members of the Board of Regents of the State University.....	173
15. To repeal an act entitled (An act to provide for the education of teachers of colored schools,(approved December 20, A.D. 1871.....	173
16. To amend the title and section 1 of an act entitled an act to establish a normal school at Florence, Alabama, for the education of white male teachers.....	174
17. To establish a State normal school and university for the education of colored teachers and students.....	176
18. To provide for a Colored Normal School at Huntsville, in Madison county, in the State of Alabama.	179
19. To ratify the removal of E.J. Morgan, and the appointment of P.D. Baker, as Superintendent of Education for the county of Dallas.....	181
20. To legalize the action of the trustees of township 17, range 5, east, Marengo county in opening and operating the free public schools for the year 1872-73.....	181
21. To legalize the acts of the township trustees of township 56, of range 6, east, of Jackson county.....	182
22. To authorize the superintendent of Education of Perry county to settle the accounts of Josephine Thomas, Mary F. Thomas, B.R. Thomas, C.J. Thomas, John Dozier, G.S.W. Lewis, Mrs. Matt Smith, Mrs. Bethre Obering.....	182
23. To pay Jas. L. Tait, for services rendered in examining the mineral sixteenth sections.....	183
24. For the relief of the widow of Bryce M. Almond.....	183
25. For the relief of Mrs. Georgia Sims, of Chambers county.....	184
26. To provide for the relief of Miss D.W. Caller.....	184
27. For the relief of Miss V.C. Law, of Clarke county	185
28. For the relief of W.J. Johnson, of township 12, range 2, east, Clarke county.....	185

OFFICE OF SECRETARY OF STATE,
MONTGOMERY, ALA., JAN. 30, 1874 (

I certify that the foregoing Acts, Resolutions and Memorials
are correct copies from the original rolls in file in this office.

NEANDER H. RICE,
Secretary of State.

INDEX

to the

ACTS OF THE GENERAL ASSEMBLY

	PAGE
Administrators-	
authorized to invest in certain State and United States securities.....	52
APPROPRIATIONS-	
for interest on the interest bearing obligations issued under (funding(act (section 17).....	48
for preparation of interest bearing obligations (section 19).....	49
for the fiscal year ending September 30, 1874..	60
for food and clothing of convicts in the Penitentiary.....	63
For support of freedman(s hospital.....	64
for safe in office of Secretary of State (joint resolution).....	159
Attachments-	
trial of attachment cases regulated.....	57
AUDITOR OF STATE-	
duty prescribed under this act to prohibit trading in State warrants by tax collectors and others (section 7).....	39
sundry duties under to fund the domestic debt of the State.....	40

AUDITOR OF STATE-Continued.

required to issue warrants to temporary clerks in office of Secretary of State.....	55	
prohibited from issuing warrants in excess for common schools.....		
required to draw warrant in favor of warden of Penitentiary.....	63	
required to make a certain allowance to W.H. Clemons, tax collector.....	145	
required to give certificate of redemption to Thomas A. Jones.....	146	
required to draw warrant in favor of Mrs. Mary Ann Taylor.....	146	
Required to give certificate of redemption to O.D. Rutledge.....	148	
AUTAUGA COUNTY-		
administration of estate of T.C. Daniel, dec(d) removal to Perry county.....	79	
Bailey, Thomas H. (Washington county)- commissioners court authorized to allow pay for certain services.....	150	
Bradley, Isabella M. (Madison county)- authorized to mortgage her separate estate.....	149	
Bethel Church (Talladega county)- sale or gift of liquors within five miles prohib- ited.....	90	
BIRMINGHAM (Jefferson county)- act of incorporation (section one) amended.....	129	
thanks for tender of accommodations to General Assembly (joint resolution).....	156	
BLOUNT COUNTY-		
term of circuit court change.....	59	
act repealed requiring United States currency alone for fines and forfeitures.....	87	
Bowden, Lillie- guardianship removed from Butler county to Shelby county, Tennessee.....	78	
BULLOCK COUNTY-		
sale, gift or other dispositions of liquors within two miles of Mt. Hilliard Church prohibited.		101
Blue Eye Church (Talladega county) sale or gift of liquors within five miles prohib- ited.....	90	

BUTLER COUNTY-

- guardianship of Lillie Bowden removed to
Shelby county, Tennessee..... 78
- To provide for the payment of the debt of.. 101

CALHOUN COUNTY-

- sale or gift of liquors within five miles of Sul-
phur Springs Church prohibited..... 90
- sale or gift of liquors within five miles of Cane
Creek Church prohibited 90
- sale or gift of liquors within five miles of Oak
Bowery Church prohibited..... 90
- sale or gift of liquors within five miles of Mount
Zion Church prohibited..... 90
- sale or gift of liquors within five miles of He-
bron Church prohibited..... 90
- sections 1314 and 1317 of the Revised Code
amended as to the county..... 103
- Camp Spring (Walker county)-
election of precinct established at..... 127
- Cane Creek Church (Calhoun county)-
sale or gift of liquors within five miles prohib-
ited..... 90

CHAMBERS COUNTY-

- act requiring justices of the peace to act as ap-
portioners and supervisors of public roads
repealed..... 104
- for relief of W.H. Clemons, tax collector..... 145
- Shapard Hall female college authorized to
grant diplomas..... 151

Chancellors-

- may render decrees ninety days after hearing
In vacation..... 58

Chandler(s Spring (Talladega county)-

- election precinct established at..... 125

Centre (Cherokee county)

- sale, gift or use by drinking in a public place
of liquors in, at or within five miles prohib
ited..... 95

CHEROKEE COUNTY-

- sale or gift of liquors within two miles of
Gaylesville High School prohibited..... 88
- sale, gift, or other disposition of liquors within
four miles of Round Mountain Iron Works
prohibited..... 92
- sale, gift or other disposition of liquors within

CHEROKEE COUNTY-Continued.

four miles of Tecumseh Iron Works prohibited.....	92
sale, gift, or drinking in a public place of liquors in, at or within five miles of Centre prohibited.....	95
Chewacla Lime Company (Lee county)- sale, gift or other dispositions of liquors within one and one quarter miles of kilns prohibited.....	92
Cleburne County- created the eleventh district of the northern chancery division.....	76
CRENSHAW COUNTY- act requiring publication of semi-annual exhibits of receipts and expenditures for the county.....	109
to regulate the publication of legal notices... to define pay of jurors and commissioners court authorized to levy a special tax...	110
Clemons, W. H. (Chambers county) Auditor required to allow him a certain amount he paid under a judgment.....	145
CHOCTAW COUNTY- act requiring United States currency for fines and forfeitures repealed.....	87
sale of liquors within five miles of Smith(s) Camp Ground prohibited.....	98
sale or other disposition of liquors within two and one half miles of (Choctaw Camp Ground(prohibited.....	98
section 652 of the Revised Code amended as to the county.....	105
O.D. Rutledge authorized to redeem certain lands.....	147
Choctaw Camp Ground (Choctaw county)- sale or other disposition of liquors within two and one half miles during certain times prohibited.....	98
COFFEE COUNTY- act declaring White Water a public highway repealed.....	105
charter of Elba Manufacturing Company (section one) amended.....	140

Commissioners- authorized to prepare a Revised Code.....	50
CONECUH COUNTY-	
act authorizing commissioners court to levy a certain special tax amended.....	106
divided into four commissioners districts.....	107
act amending charter for Sepulga Manufactur- ing company repealed.....	142
COOSA COUNTY-	
for the relief of Giles Kelley.....	152
CORPORATIONS-	
Charter of Birmingham Jefferson county (sec- tion one) amended.....	132
Courtland, Lawrence county incorporates.....	133
Charter of Guntersville, Marshall county, (sec- tion two) amended.....	138
Charter of the Eureka Mining and Transporta- tion Company amended	139
Eureka Mining and Transportation Company, authorized to change name.....	140
Charter of the Elba Manufacturing Company, (section one) amended.....	140
Act to amend charter of the Sepulga River Manufacturing Company, repealed.....	142
New Orleans, Mobile and Texas Railroad, pur- chasers of, authorized to organize under another name.....	142
Charter of Selma Building and Loan Associa- tion amended.....	143
COURTS-Commissioners-	
Required to provide a plat of township for tax assessor.....	35
To examine list of lands.....	36
Circuit-	
Terms in 5th circuit changed.....	59
Judge of 4th circuit to hold court at Decatur.....	68
Judge of 7th circuit authorized to hold special term in Sumter county.....	73
Special term for Hale county authorized.....	73
Time of the circuit court for Limestone county established.....	74
Criminal docket for Talladega set for third week.....	74
Judge of 11th circuit to hold a special term in Wilcox county.....	129

COURTS-Continued.

Inferior court-	
Established at Decatur.....	68
Criminal court-	
Act repealed establishing Russell county.....	123
City Courts-	
Time of trial of civil causes in Mobile changed.	75
Act establishing city court of Lee county amended.....	81
Chancery Courts-	
Time of in 6th district (Macon) of eastern division fixed.....	75
Time of in Cleburne fixed.....	76
Eleventh district (Morgan) in northern division created.....	76
Chancery district (8th) created in Covington county.....	77
Quarter sessions-	
(Of Wilcox county, abolished).....	129
Courtland (Lawrence county)-	
Term of incorporated.....	133
COVINGTON COUNTY-	
Created the 8th district of southern chancery division.....	77
County commissioners authorized to levy a special tax for payment of jurors.....	108
Act consolidating offices of assessor and collector repealed.....	109
Children of Anna Jones legitimated.....	152
DALE COUNTY-	
Secretary of State to provide weights and measures for the county.....	111
DALLAS COUNTY-	
Act of commissioners court in the election of a county physician ratified.....	111
Fees of constables regulated.....	115
Charter of Selma Building and Loan Association amended.....	143
Deaf and Dumb and Blind Institution-	
Payment of claims for quarter ending 30th September, 1873, provided for (Jt. Res.).....	158
Decatur (Morgan county)-	
An inferior court established at.....	68

Deer Park (Washington county)-	
Election precinct established at.....	128
DeKalb-	
Terms of circuit court changed.....	59
Dudleyville (Tallapoosa county)-	
Sale or gift of liquors within one and one-half miles of academy prohibited.....	96
Eastaboga (Talladega county)-	
Sale, gift or barter of liquors within two miles prohibited.....	91
Elba Manufacturing Company (Coffee county)-	
Act of incorporation (section one) amended.....	140
Elmore county-	
Sale, or gift of liquors within two miles of Harmony Methodist church prohibited.....	68
Enon Cumberland Presbyterian Church (Jefferson county)-	
Sale, gift or other disposition of liquors within three miles prohibited.....	97
ESTATE OF DECEDENTS-	
Administration of estate of Thomas C. Daniel, removed from Autauga to Perry county.....	79
Administrator of estate of A.J. McAllister authorized to sell lands of estate at private sale.....	80
Administration of estate of J. Glen Leonard, authorized to sell lands of estate at private sale.....	80
Administration of estate of Oliver T. Prince, authorized to sell lands of estate at private sale.....	81
Etowah county-	
Powers of the sheriff enlarged.....	112
Eureka Mining and Transportation Company-	
Act of incorporation amended.....	139
Stockholders authorized to change name of.....	140
Executors-	
Authorized to invest in certain securities.....	52
Exemption-	
Act (section 4) to regulate property exempt from sale for debts, amended.....	53
Females-	
Incorporated cities and towns prohibited from working them on public streets.....	60

Freedman(s Hospital- Appropriation for support of.....	64	
Fines and Forfeitures- Act requiring payment in United States cur- rency repealed as to Choctaw and Blount counties.....		87
Five per Cent. Fund- Senators and Representatives in Congress in- sturcted as to claim for-(Joint Resolution.)	155	
Forney, Daniel P- Authorized to litigate claim for services in se- lecting swamp and overflowed lands.....	65	
Forest Hills Church (Talladega county)- Sale or gift of liquors within five miles pro- hibited.....		90
Guardians- Authorize to invest in certain State and United States securities.....	52	
Guardianship of Lillie Bowden, removed to Shelby county, Tennessee.....		78
Gaylesville (Cherokee county)- Sale or gift of liquors within two miles of academy, prohibited.....	88	
GREENE COUNTY- For the relief of W.C. Witherington, tax col- lector.....	145	
Green, Mrs. Virginia O. (Jefferson county)- Authorized to purchase property and mortgage the same.....	148	
Gilmore, W.J. deceased (Choctaw county)- Authorized for compromising liabilities of his Securities on official bond.....	65	
Governor- Sundry duties under act to fund the domestic debt of te State.....	40	
Authorized to appoint commissioners to pre- pare a Revised Code.....		50
Guntersville, (Marshall county)- Section two of an act of incorporation amended.....	138	
HALE COUNTY- A special term of the circuit court authorized.....	73	
Harmony Methodist Church (Elmore county)- Sale of gift of liquors within two miles pro- hibited.....	88	

Hebron Church (Calhoun county)- Sale or gift of liquors within five miles pro- hibited.....	90
Hopewell Methodist Church (Lowndes county)- Sale or gift of liquors within two miles pro- hibited.....	88
Hopewell Academy, (Lowndes County)- Sale or gift of liquors within tow miles pro- hibited.....	88
Houston, S.S. (Legal Representatives)- Authorized to litigate claim for services in se- lecting swamp and overflowed lands....	65
Insane Hospital- Payment of claims for quarter ending 30th September, 1873, provided for (Joint Resolu- tion).....	158
JACKSON COUNTY- Terms of circuit court fixed.....	59
JACKSON SHOALS (Talladega county- Sale, gift, or barter of liquors within five miles prohibited.....	100
JEFFERSON COUNTY- Act regulating publication of legal notices re- pealed.....	88
Sale, gift, or other disposition of liquors with- in two and one-half miles of Pierce Coal Mines prohibited.....	94
Sale, gift or other disposition of liquors within two and one-half miles of New Castle Coal Mines prohibited.....	94
Sale, gift, or other disposition of liquors within five miles of Enon Cumberland Presbyterian Church prohibited.....	97
Commissioners court authorized to issue bonds for certain purposes.....	113
Section one of the charter of Birmingham amended.....	132
Mrs. Virginia O. Green authorized to purchase and mortgage property.....	148
Resolution of thanks to the city of Birmingham...	156
Jones, Urban L.- Authorized to litigate claim for services in se- lecting swamp and overflowed lands.....	65

Jones, Thomas A. (Lee county)-	
Auditor required to give him certificate of re-	
demption.....	146
Jones, Anna (Covington county)-	
Children born before marriage with Josiah	
Jones, legitimated.....	152
Journals-	
Printing, distribution, &c., of journals of	
(Capitol(Legislature provided for (joint	
resolution).....	157
Judges of Probate-	
Prohibited from trading in State warrants.....	37
Judges-	
Of circuit, criminal and city courts prohibited	
from holding any other office while judge..	58
Judiciary Committee (House of Representatives)-	
Employment and pay of messenger authorized	160
Kelley, Giles (Coosa county)-	
Amount authorized out of pauper funds.....	152
Lauderdale county-	
Judge of probate required to hold monthly	
terms of his court.....	114
LAWRENCE COUNTY-	
Disposition and management of the bequest of	
James Wallace for public schools regulated	
Town of Courtland incorporated.....	133
Lanier, Thomas C.-	
Relief of as guardian of Belton Lanier, of	
Pickens county.....	149
LEE COUNTY-	
Act establishing city court amended.....	81
Sale, gift, or other disposition of liquors within	
two miles of Yonigesboro, Prohibited	92
Sale, gift or other disposition of liquors within	
1 (miles of kilns of Chewacla Lime Com-	
pany, prohibited.....	92
Sale of liquors within three miles of either of	
the churches in Salem prohibited.....	100
For the relief of Thomas A. Jones.....	146
Resolution of thanks to city of Opelika.....	156
Leonard, J. Glen (estate of)	
Administrator authorized to sell lands of at	
private sale.....	80

Legal Notices-

Act regulating publication of in Jefferson and Walker counties repealed.....	88
Letohatchie Methodist Church (Lowndes county)- Sale, gift or other disposition of liquors within four miles, prohibited.....	89
LIMESTONE COUNTY-	
Time of holding circuit court extended.....	74
LIQUOR PROHIBITION-	
Near Gaylesville High School, in Cherokee county.....	88
Near Harmony Methodist church, South, in Elmore county.....	88
Near Hopewell Methodist church, in Lowndes county.....	88
Near Hopewell Academy, in Lowndes county	88
Near Notasulga Academy, in Macon county.....	88
Near Vernon, Sanford county.....	88
Near Letohatchie Methodist church, in Lowndes county.....	89
Near Tabernacle Methodist church, in Montgomery county.....	89
Near Steep Creek Baptist church, in Lowndes county.....	89
Near Pleasant Valley Methodist church, in Lowndes county.....	89
Near Sulphur Springs church, in Calhoun county.....	90
Near Cane Creek church, in Calhoun county.....	90
Near Oak Bowery church in Calhoun county.....	90
Near Mount Zion church, in Calhoun county.....	90
Near Hebron church, in Talladega county.....	90
Near Blue Eye church, in Talladega county.....	90
Near Refuge church, in Talladega county.....	90
Near Patton(s Chapel church, in Talladega county.....	90
Near Bethel church, in Talladega county.....	90
Near Forrest Hills church, in Talladega county.....	90
Near the colored people(s church (near Forrest Hill), in Talladega county.....	90
Near Marble Spring Presbyterian Church, in Talladega county.....	91
Near Owen Spring Methodist church, in Talladega county.....	91

LIQUOR PROHIBITION -Continued.

Near Salem Baptist church, in Talladega county.....	91
Near Eastaboga, Talladega county.....	91
Near Round Mountain Iron Works and coal- ing grounds, in Cherokee county....	92
Near Tecumseh Iron Works and coaling grounds, in Cherokee county.....	92
Near Yorgesboro, in Lee county.....	92
Near kilns of Chewacla Lime company, in Lee county.....	92
Act prohibiting near Choccolocco Bridge, in Talladega county, amended.....	93
Near Pierce Coal Mines, in Jefferson county..	94
Near New Castle Coal Mines, in Jefferson county.....	94
In, at and near Centre, Cherokee county.....	95
Near Dudleyville Academy, in Dudleyville, Tallapoosa county.....	96
Near Enon Presbyterian church, in Jefferson county.....	97
Near Smith(s camp ground, in Choctaw county	98
Near (Choctaw cap ground,(in Choctaw county.....	98
Near Piny Grove church and schoolhouse, in Morgan county.....	99
Near the churches in Salem, Lee county.....	100
Near Jackson Shoals, in Talladega county....	100
Near Mount Hilliard church, in Bullock county.....	101
LOWNDES COUNTY-	
Sale or gift of liquors within two miles of Hopewell Methodist church prohibited.....	88
Sale or gift of liquors within two miles of Hopewell Academy prohibited.....	88
Sale, gift, or otherwise disposing of liquors within four miles of Letohatchie Methodist church prohibited.....	89
Sale, gift or other disposition of liquors within four miles of Steep Creek Baptist church prohibited.....	89
Sale, gift, or other disposition of liquors within four miles of Pleasant Valley Methodist church prohibited.....	89

McAllister, A. J. (estate of)-	
Administrator authorizes to sell lands of at private sell.....	79
MACON COUNTY-	
Time of chancery court fixed.....	75
Sale or gift of liquors within three miles of Notasulga Academy prohibited.....	88
MADISON COUNTY-	
Terms of circuit court changed.....	59
Mrs. Isabella M. Bradley authorized to mortgage her separate estate.....	149
MANUFACTURING COMPANIES-	
Act incorporating the Elba manufacturing company, of Coffee county, amended...	140
Act amending charter of the Sepulgah River manufacturing company, of Conecuh county, repealed.....	142
Marble Spring Presbyterian Church (Talladega county)-	
Sale, gift, or barter of liquors within two miles prohibited.....	91
MARENGO COUNTY-	
Fees of constables regulated.....	115
Per diem and mileage of members of commissioners court regulated.....	116
Act fixing time of meeting of commissioners court repealed.....	116
For relief of Mrs. Mary Ann Taylor.....	146
MARION COUNTY-	
In relation to fine and forfeiture fund.....	116
MARSHALL COUNTY-	
Terms of circuit court changed.....	59
Commissioners court authorized to allow certain claims of S.M. Wallace.....	117
Section two of charter of Guntersville amended	138
For relief of Creed Taylor, assignee.....	153
Messenger-	
Employment and pay of for House Judiciary Committee authorized (joint resolution)	160
MINING AND TRANSPORTATION COMPANIES-	
Charter of Eureka company amended.....	139
Stockholders of Eureka company authorized to change its name.....	140
MOBILE COUNTY-	
Time for trial in civil cases in the city court changed.....	75

MOBILE COUNTY-Continued

Liability of persons in Whistler to public road duty defined.....	119
Term of office of certain municipal officers fixed.....	120

MONTGOMERY COUNTY-

Sale, gift or other disposition of liquors within four miles of Tabernacle Methodist Church prohibited.....	89
Act authorizing the county to issue bonds amended.....	118
City of Montgomery authorized to issue certificates of indebtedness.....	151
Montgomery, City of- Authorized to issue certificates of indebtedness	151

MORGAN COUNTY-

Inferior court of record established at Decatur	68
Created 11th chancery district of northern division.....	76
Sale of liquors within three miles of Piny Grove church and school house prohibited..	99
Mount Hilliard Church (Bullock county)- Sale, gift or other disposition of liquors within two miles prohibited.....	101
Mount Zion Church (Calhoun county)- Sale or gift of liquors within five miles prohibited.....	90
New Castle Coal Mines (Jefferson county)- Sale, gift, or other disposition of liquors within two and one half miles prohibited.....	94
New Orleans, Mobile and Texas Railroad Company- Purchasers and assigns authorized to organize under another name, &c.....	142
Notasulga (Macon county) Sale or gift of liquors within three miles of academy prohibited.....	88
Oak Bowery Church (Calhoun County)- Sale or gift of liquors within five miles prohibited.....	90
Opelika (Lee county)- Resolution of thanks for offer of public buildings.....	156
Owen Springs Methodist Church (Talladega county)- Sale, gift or barter of liquors within two miles prohibited.....	91

Patton(s Chapel Church (Talladega county)- Sale or gift of liquors within five miles prohib- ited.....	99
Patton money- Resolution to inquire into cause of deprecia- tion.....	156
Pleasant Valley Methodist Church (Lowndes county)- Sale, gift or other disposition of liquors within four miles prohibited.....	89
PENITENTIARY- Appropriation for food and clothing within four miles prohibited.....	89
Joint committee raised to inspect (joint resolu- tion).....	157
PERRY COUNTY- Administration of estate of Thomas C. Daniel, deceased, removed from Autauga county...	79
Pay of members of court of county commis- sioners increased.....	121
PICKENS COUNTY- For relief of Thomas C. Lanier, guardian of Belton Lanier, a minor.....	149
Pierce(s Coal Mines (Jefferson county)- Sale, gift, or other disposition of liquors within two and one half miles prohibited.....	94
PIKE COUNTY- Compensation of the board of equalization de- fined.....	121
Section two of an act to amend act authorizing collection of a tax to pay bridge claims amended.....	122
Piny Grove Church (Morgan county)- Sale of liquors within three miles of church and school house prohibited.....	99
Prince, Oliver T. (estate of)- Administration authorized to sell lands at pri- vate sale.....	81
PRISONERS- Victualing of reduced.....	55
Discharge of, for misdemeanors provided for..	56
Failure to appear for trial a felony.....	56
Powell, J.R.- Authorized to litigate claim for services in se- lecting swamp and overflowed lands....	65

PUBLICATION OF LEGAL NOTICES-

Act relating to Jefferson and Walker counties repealed.....	88	
Regulated in Crenshaw county.....		110
Purchasers-		
Of any railroad sold by the State constitutes a body corporate and politic.....	56	
Railroads-		
Purchasers and assigns of those sold by the State constituted a body politic and corporate.....		56
Randolph County-		
Section 1374 of the Revised Code repealed as to this county.....	123	
Redemption of Lands-		
Two years given for redemption of lands purchased by the State at tax sale.....	40	
Rufuge Church (Talladega county)-		
Sale or gift of liquors within five miles prohibited.....	90	
RELIEF-		
Witherington, W.C., tax collector of Greene county (successor to collect uncollected taxes).....		145
Clemons, W.H., tax collector of Chambers county (allowance for amount paid on a judgement).....	145	
Jones, Thomas A., of Lee county (certificate of redemption authorized).....	146	
Taylor, Mrs. Mary Ann, of Montgomery county (Over payment of taxes refunded).....	146	
Rutledge, Orcine D. of Choctaw county (authorized to redeem certain lands).....	147	
Green, Mrs. Virginia Owen, of Jefferson county (authorized to purchase property and execute a mortgage).....	148	
Bradley, Mrs. Isabella M., of Madison county (authorized to mortgage her separate estate)..	149	
Lanier, T.C., guardian (relating to sale of lands and payment by E.D. Willes, trustee).....	149	
Baily, Thomas H., of Washington county (commissioners court to allow payment to him as clerk of circuit court).....	150	

RELIEF-Continued.

Montgomery, city of (authorized to issue eighty thousand dollars in certificates of in- debtedness).....	151
Shapard Hall female college, Chamber county (authorized to grant diplomas).....	151
Jones, Anna, of Covington county (children legitimated before marriage with Josiah Jones).....	152
Kelley, Giles, of Coosa county (commissioners court to appropriate for his support)...	152
Taylor, Creed, of Marshall county (commis- sioners court to register claim of John L. Kirby).....	153
REVENUE LAWS-	
To secure a more thorough assessment of the real property.....	35
Relating to the term of office of tax collectors.	36
Tax collectors and other officers prohibited from trading in State warrants.....	37
Redemption of lands purchased by the State at tax sales, provided for.....	40
Funding of the domestic debt of the State pro- vided for.....	40
REVISED CODE-	
Commissioners authorized to codify and revise the statute laws of public or general nature	50
Section 3470 (relating to decrees of chancellors) amended.....	58
Sections 1314 and 1317 (relating to new bonds) amended as to Calhoun county.....	103
Section 652 (substitution of lost records) amended as to Choctaw county.....	105
Section 1374 (pay of judge and sheriff) repealed as to Randolph county).....	123
Round Mountain Iron Works (Cherokee county)- Sale or gift of liquors within four miles prohib- ited.....	92
RUSSELL COUNTY-	
Act establishing a criminal court for repealed....	123
Rutledge, Orcine D. (Choctaw county)- Authorized to redeem certain lands sold for taxes.....	147

SANFORD COUNTY-

Sale of gift of liquors within three miles of
Vernon prohibited..... 88

ST. CLAIR COUNTY-

Act to regulate publication of legal notices in
certain counties repealed as to this county.. 124

Scarborough, Silas (Washington county)-
Election precinct established at..... 128

Shapard Hall Female College (Chambers county)-
Authorized to grant diplomas..... 151

Salem (Lee county)-

Sale of liquors within three miles of either of
the churches prohibited 100

Salem Baptist Church (Talladega county)

Sale, gift or barter of liquors within two miles
prohibited..... 91

Savannah and Memphis Railroad-

Commissioners court of Tallapoosa county
authorize to compromise bonded debt with
State Certificates- 125

Inquiry into the cause of depreciation (joint
Resolution)..... 156

SECRETARY OF STATE-

Authorize to employ temporary clerks..... 55

To provide weights and measurers for the county
of Dale..... 111

Appropriation for a safe (Joint Resolution)... 159

Sepulga River Manufacturing Company-

Act to amend the act of incorporation, re-
pealed..... 142

Selma Building and Loan Association-

Charter amended..... 143

Swamp and Overflowed Lands-

Adjustment of Claims for selection and securing
titles provided for..... 65

SHELBY COUNTY-

Administrator of estate of J. Glen Leonard,
authorized to sell lands of said estate at pri
vate sale..... 80

Sheriffs-

Allowance for feeding prisoners in jail reduced 55

Steep Creek Baptist Church (Lowndes county)-

Sale, gift, or other dispositions of liquor within
four miles prohibited..... 89

Smith(s Camp Ground (Choctaw county)-	
Sale of liquors within three miles prohibited..	98
Schools, Public-	
Appropriation for.....	62
Disposition of bequest of James Wallace, for	
public schools regulated.....	85
Sulphur Springs Church (Calhoun county)-	
Sale or gift of liquors within five miles pro-	
hibited.....	90
Sumter county-	
Special term of the circuit court authorized....	73
Superintendent of Public Instruction-	
Authorized to compromise liabilities of suri-	
ties on official bond of W.J. Gilmore, late	
county superintendent.....	65
Tabernacle Methodist Church (Montgomery county)-	
Sale, gift, or other disposition of liquors within	
four miles prohibited.....	89
TALLADEGA COUNTY-	
Criminal docket of circuit court set for third	
week.....	74
Sale or gift of liquors within five miles of Blue	
Eye Church prohibited	90
Sale or gift of liquors within five miles of	
refuge church prohibited.....	90
Sale or gift of liquors within five miles of Pat-	
ton(s Chapel church prohibited.....	90
Sale or gift of liquors within five miles of	
Bethel church prohibited	90
Sale or gift of liquors within five miles of For-	
rest Hills church prohibited.....	90
Sale or gift of liquors within five miles of the	
colored people(s church near Forrest Hill	
prohibited.....	90
Sale, gift, or barter of liquors within two miles	
of Marble Spring Presbyterian church, pro-	
hibited.....	91
Sale, gift, or barter of liquors within two miles	
of Owen spring Methodist church prohibited	91
Sale, gift, or barter of liquors within two miles	
of Salem Baptist church prohibited.....	91
Sale, gift, or barter of liquors within two miles	
of Estaboga prohibited.....	91
Act to prevent sale of liquors near Choccolocco	
Bridge amended.....	93

TALLADEGA COUNTY-Continued.

Sale, gift, or barter of liquors within five miles of Jackson school prohibited.....	100	
Election precinct established at Chandler(s) Spring.....	125	
Resolution of thanks to city of Talladega.....	156	
Talladega, City of-		
Resolution of thanks for offer of public buildings.....	156	
TALLAPOOSA COUNTY-		
Sale or gift of liquors within two and one-half miles of Dudleyville academy prohibited..	96	
Commissioners court authorized to compromise bonded debt with Savannah and Memphis Railroad Company.....	125	
Tax Assessor-		
Additional duty under act to secure a more thorough assessment.....	35	
Tax Collectors-		
Term of office defined.....		36
Prohibited from trading in State warrants.....	37	
Sundry duties under funding act.....		40
Taylor, Mrs. Mary Ann (Montgomery county)-		
Amount of overpayment of taxes refunded.....	146	
Taylor, Creed, (Marshall county)-		
Commissioners county authorized to register a certain claim.....	153	
Thanks-		
Resolution of, to the cities of Opelika, Birmingham and Talladega, for offer of public buildings.....	156	
Tecumseh Iron Works (Cherokee county)-		
Sale or gift of liquors within four miles prohibited.....	92	
TREASURER, STATE-		
Sundry duties under funding act.....		40
To pay insane hospital \$19,110 (Jt. Res.).....	158	
To pay institution for deaf, dumb, and blind \$5,400, Joint Resolution.....	158	
Treasurer, County-		
Prohibited from trading in State warrants.....	37	
Duty under act to prohibit trading in State warrants (section 5).....	39	

TUSKALOOSA COUNTY-

Compensation allowed to tax assessor for copy
of assessment book..... 127

Trustees-

Authorized to invest in certain State and
United States securities..... 52

Vernon, (Sanford county)-

Sale of gift of liquors within three miles pro-
hibited..... 88

Wallace, James-

Disposition of his bequest for certain public
schools regulated..... 85

WALKER COUNTY-

Act regulating publication of legal notices re-
pealed..... 88

Election precinct established at Camp Springs.... 127

WASHINGTON COUNTY-

Election precincts established at Silas Scar-
borough(s and Deer Park 128

For relief of Thomas H. Bailey 150

Weights and Measures(

Secretary of State required to provide them for
Dale county 111

WILCOX COUNTY(

Act regulating fees of notaries public and jus-
tices of the peace repealed..... 128

Commissioners court to make claims for com-
fort and health of prisoners in jail preferred
claims..... 129

Court of quarter sessions abolished..... 129

Witherington, W.C. (Greene County)-

Authority to his successor to collect uncol-
lected taxes..... 145

Yongesboro (Lee County)-

Sale, gift or other disposition of liquors within
two miles prohibited..... 92

INDEX TO SCHOOL LAWS

Almond, Bryce M. (widow of)	
County superintendet of Marengo to pay amount due as teacher.....	183
APPROPRIATION-	
For J.H. Francis for preparing copy of pro- ceedings of Board of Education and Board of Regents for publication.....	163
For contingent fund.....	166
For colored normal school at Huntsville...	179
AUDITOR of STATE-	
To draw warrant in favor of clerk of Board of Education.....	164
To draw warrants on contingent fund.....	166
To draw warrants under act for disbursement of certain school funds.....	170
To draw warrant for colored normal school at Huntsville.....	179
To draw warrant in favor of J.L. Tait.....	183
To draw warrants for amounts appropriated to State colored normal school and university	179
Barker, P.D.-	
Appointment as county superintendent of Dal- las county ratified.....	181
BIBB COUNTY-	
Sale of sixteenth sections in suspended.....	166
BLOUNT COUNTY-	
Sale of sixteenth sections in suspended.....	166
BOARD OF EDUCATION-	
Publication of proceedings provided for.....	163

BOARD OF REGENTS-

Publication of proceedings of provided for....	163	
Times and places of meetings fixed.....		172
Compensation of prescribed and regulated....	173	

Caller, Miss D.W. (Clarke county)-

County superintendent to pay for services as teacher in 1872.....	184
---	-----

CHAMBERS COUNTY-

Superintendent to pay Mrs. Georgia Sims for services in 1872.....	184
---	-----

Claims-

Certain unpaid claims to be forwarded to Superintendent of Public Instruction.....	168
--	-----

CLARKE COUNTY-

Superintendent to pay Miss D.W. Caller for services in 1872.....	184
--	-----

Superintendent to pay Miss V.C. Law for services in 1873.....	184
---	-----

Superintendent to pay W.J. Johnson for services in 1873.....	184
--	-----

CHEROKEE COUNTY-

Sale of 16th sections in suspended.....		166
---	--	-----

COLORED SCHOOLS-

Act for education of teachers for repealed.....	173
---	-----

Lincoln school changed to a State colored normal school and university.....	176
---	-----

Normal school at Huntsville provided for.....	179
---	-----

CONTINGENT FUND-

Appropriation provided.....	166
-----------------------------	-----

Superintendent of Public Instruction to certify claims to be paid out of.....	166
---	-----

COOSA COUNTY-

Sale of 16th sections in suspended.....	166
---	-----

DALLAS COUNTY-

Removal of E.I. Morgan and appointment of P.D. Barker as county superintendent ratified.....	181
--	-----

DEKALB COUNTY-

Sale of 16th sections in suspended.....	166
---	-----

Dozier, John-

Account of as teacher in Perry county for 1871- to be settled.....	182
--	-----

Election-

Day of general election declared a legal holiday for public schools.....	167
--	-----

ETOWAH COUNTY-

Sale of 16th sections in suspended..... 166

FAYETTE COUNTY-

Sale of 16th sections in suspended..... 166

Florence (Lauderdale county)-

Act to establish normal school for education of
white male teachers amended..... 174

Holiday-

General election day declared a holiday for
teachers of free public schools..... 167

Huntsville (Madison county)-

Colored normal school provided for at Hunts-
ville..... 179

JACKSON COUNTY-

Acts of trustees of township 5, of range 6 east,
leagalized..... 182

JEFFERSON COUNTY-

Sale of 16th sections in suspended..... 166

Johnson, W.J. (Clark county)-

Superintendent to pay for services in 1873.... 184

Law, Miss V.C. (Clark county)-

Superintendent to pay for services in 1873..... 184

LEGALIZED-

Removal of E.J. Morgan, and appointment of
P.D. Barker, as superintendent of Dallas
county..... 181

Action of trustees of township 17, range 5 east,
of Marengo county..... 181

Acts of trustees of township 5, of range 6 east,
of Jackson county..... 182

Lewis, G.S.W-

Account of as teacher in Perry county for 1871-
to be settled..... 182

Lincoln School (Marion)-

To be changed to a State normal school and
university for colored teachers and students 176

MARENGO COUNTY-

Action of trustees of township 17, range 5 east,
legalized..... 181

Superintendent of said county to settle with
the teachers for 1872-3..... 181

County superintendent to pay widow of Bryce
M. Almond..... 183

MARION COUNTY-

Sale of 16th sections in suspended..... 166

Marion (Perry county)-

State normal school and university for colored teachers and students established..... 176

Morgan, E.J.-

Removal of as county superintendent of Dallas county ratified..... 180

NORMAL SCHOOLS-

Act establishing at Florence amended..... 173

State normal school for colored teachers and students established at Marion..... 176

Obering, Mrs. Bethre-

Account as teacher in Perry county for 1871 to be settled..... 182

PERRY COUNTY-

County superintendent authorized to settle certain accounts for 1871..... 182

Proceedings-

Of Board of Education, publication provided for Publication- 163

Of the school laws and journal of Board of Education provided for..... 163

RELIEF-

Dozier, John (services in 1871)..... 182

Lewis, G.S.W. (Services in 1871)..... 182

Obering, Mrs. Bethre (services in 1871)..... 182

Smith, Mrs. Matt (services in 1871)..... 182

Thomas, Josephine (services in 1871)..... 182

Thomas, Mary F. (services in 1871)..... 182

Thomas, B.R. (services in 1871)..... 182

Thomas, C.J. (services in 1871)..... 182

Tait, J.L. (pay for examining mineral 16th sections)..... 183

Almond, Mrs.B.M. (Amount due husband)..... 183

Sims, Mrs. Georgia (services in 1872)..... 184

Caller, Miss D.W. (services in 1872)..... 184

Law, Miss V.C. (Services in 1873)..... 185

Johnson, W.J. (services in 1873)..... 185

SHELBY COUNTY-

Sale of 16th section in suspended..... 166

Sims, Mrs. Georgia (Chambers county)-

County superintendent to pay for services as teacher in 1872..... 184

Smith, Mrs. Matt-

Account as teacher in Perry county for 1871 to be settled..... 182

Sixteenth Sections-	
Sale of in certain counties suspended.....	166
School Laws-	
Publication of provided for.....	163
Scholastic Month-	
Legend of declared.....	167
SUPERINTENDENT OF PUBLIC INSTRUCTION-	
Authorized to publish school laws and pro-	
ceedings.....	163
Required to forward copies of proceedings to	
each member of the Board.....	163
Authorized to certify account of clerk for copy-	
ing proceedings.....	163
Authorized to remove county superintendents..	165
Authorized to fill vacancies in office of county	
superintendents.....	165
Contingent fund placed under his control.....	166
To prepare blanks for reports of teachers and	
school officers under act fixing length of	
scholastic month.....	167
To file certain claims and turn over to Commit-	
tee on Finance.....	168
Duty under act for disbursement of certain	
school funds.....	170
To certify amount appropriated for colored	
normal school at Huntsville.....	179
To examine and certify amount due J.L. Tait.	183
To certify amounts appropriated to State nor-	
mal school and university for colored teach-	
ers and students.....	178
SUPERINTENDENTS, COUNTY-	
Pay of, provided for.....	164
Salaries of, for 1872-73, how to be paid.....	165
Removal of provided for.....	165
Vacancies to be filled by Superintendent of	
Public Instruction.....	165
To forward unpaid claims to Superintendent of	
Public Instruction.....	168
Sundry duties under act for disbursement of	
certain school funds.....	170
Tait, J.L.-	
Appropriation for services in examining min-	
eral 16th sections.....	183

Tax Collectors-	
Duties imposed upon them in certain contingencies.....	169
TEACHERS-	
Act to prevent employment of unless promptly paid, repealed.....	167
To forward certain unpaid claims to Superintendent of public Instruction.....	168
Act for education of teachers of colored schools repealed.....	173
TREASURERS, COUNTY-	
Certain duties of imposed on tax collectors, in certain contingencies.....	169
Disbursement of school funds in their hands provided for.....	170
TREASURER, STATE-	
Disbursement of school money in his hands provided for.....	170
Thomas, Josephine-	
Account of as teacher in Perry county for 1871 to be settled.....	182
Thomas, Mary F.-	
Account of as teacher in Perry county for 1871 to be settled.....	182
Thomas, B.R.-	
Account of as teacher in Perry county for 1871 to be settled.....	182
Thomas, C.J.-	
Account of as teacher in Perry county for 1871 to be settled.....	182
TUSKALOOSA COUNTY-	
Sale of 16th sections in suspended.....	166
WALKER COUNTY-	
Sale of 16th sections in suspended.....	166
WINSTON COUNTY-	
Sale of 16th sections in suspended.....	166

ERRATA

Act No. 77, page 115, after (Marengo(in caption, read (and Dallas(; and in line 3, of section 1, for (County of Marengo(read (counties of Marengo and Dallas.(

Printed Volume, Acts of 1872-73.

Act No. 28, page 68, line 13, before the words (the deceased,(read (the estate of.(Act No. 63, page 112, line 1, for (laws,(read (law(; and in line 2, page 112, before (changed,(read (the same is.(

OFFICERS AND MEMBERS
OF THE
GENERAL ASSEMBLY OF ALABAMA
SESSION 1873

NAME	POSTOFFICE	COUNTY
McKinstry, A., Lt. Governor and President	Mobile.....	Mobile
Woods, M.L., Secretary...	Birmingham.....	Jefferson
Garrett, B.F. Ass(t Sec(y	Bradford.....	Coosa
Chardavoyne, W. V., Engrossing Clerk	Montgomery	Montgomery
Chardavoyne, L.B. As(t	Montgomery.....	Montgomery
Taylor, Thomas, Assistant Engrossing Clerk..	Opelika.....	Lee
Graham, J.H. Enrolling Clerk.....	Marion.....	Perry
Clanton, W.H., Assistant Enrolling Clerk..	Montgomery.....	Montgomery
Clarke, R.C., Door-Keeper..	Wetumpka.....	Elmore
Woods, A.P., Page.....	Birmingham.....	Jefferson
Hails, C., Page.....	Montgomery.....	Montgomery
Sykes, S., Page.....	Montgomery.....	Montgomery
Cothrun, W., Page.....	Centre.....	Cherokee
Black, Jacob,...Senator.....	Eufaula.....	Barbour
Carmichael, J.M.... (	Ozark.....	Dale
Cobb R.W..... (	Helena.....	Shelby
Coleman, Daniel.. (	Athens.....	Lauderdale
Cooper, Thos. B.. (	Centre.....	Cherokee
Cunningham, A... (	Talladega.....	Talladega

NAME	POSTOFFICE	COUNTY
Curtis, A.H.....Senator...	Marion.....	Perry
Dereen, J.W..... (	Demopolis.....	Marengo
Doster, C.S.G..... (	Prattville.....	Autauga
Dreisbach, J.D.. (	Mt. Pleasant.....	Baldwin
Edwards, W.H.. (	Chapultepec.....	Blount
Ervin, R.H..... (	Camden.....	Wilcox
Glass, W.W.... (	Tuskegee.....	Macon
Goodloe, J.C.. (	Cherokee.....	Colbert
Grayson, J.W.. (	Huntsville.....	Madison
Hamilton, Peter.. (	Mobile.....	Mobile
Haralson, Jere... (	Selma.....	Dallas
Harris, B.W... (	Columbus, Ga.....	Russell
Hatch, C.W... (	Greensboro.....	Hale
Hewitt, G.W... (	Birmingham.....	Jefferson
Jones, J.W..... (	Hayneville.....	Lowndes
Leftwitch, Lloyd.. (	Falkland.....	Greene
Little, W.G. Jr.... (	Livingston.....	Sumter
Martin, John M... (	Tuskaloosa.....	Tuskaloosa
Miller, Wm, Jr.... (	Greenville.....	Butler
Parks, W.H..... (	Troy.....	Pike
Pennington, J.L.. (	Opelika.....	Lee
Robinson, J.J..... (	LaFayette.....	Chambers
Royal, B.F..... (	Union Springs.....	Bullock
Snodgrass, A.... (	Scottsboro.....	Jackson
Terrell, John A... (	Dadeville.....	Tallapoosa
Walton, S..... (	Desotoville.....	Choctaw
Wilson, A.P..... (	Montgomery.....	Montgomery

NAMES

of

REPRESENTATIVES AND THEIR POSTOFFICES

NAME	COUNTY	POSTOFFICE
Lewis E. Parsons, Speaker...	Talladega.....	Talladega
Robert Barber, Clerk.....	Montgomery.....	Montgomery
W.V. Turner, Ass(t Clerk....	Elmore.....	Wetumpka
D.L. Dalton, Journal Cl(k....	Montgomery.....	Montgomery
S. Barnard, Ass(t Jour. Cl(k...	Elmore.....	Wetumpka
Philip Joseph, Eng. Clerk.....	Mobile.....	Mobile
W.H. Council, Ass(t Eng Clk..	Madison.....	Huntsville
J.E. Harwell, Enrolling Clk....	Montgomery.....	Montgomery
F.M. Shouse, Asst Ent. Clk....	Talladega.....	Talladega
M.G. Chandee, Door-keeper...	Wilcox.....	Camden
S.D. Oliver, Seg(t-at-Arms.....	Elmore.....	Wetumpka
J.G. Oliver, Page.....	Elmore.....	Wetumpka
Stephen Russell, Page.....	Montgomery.....	Montgomery
Thos. Abercrombie, Page.....	Montgomery.....	Montgomery
Robert Cook, Page.....	Montgomery.....	Montgomery
Anderson, D.C.....	Mobile.....	Mobile
Ash, George W.....	St. Clair.....	Ashville
Barnett, S.H.....	Monroe.....	Monroeville
Barrow, J.H.....	Chambers.....	West Point, Ga
Barton, Jonathan.....	Winston.....	Larissa
Boyd, R.K.....	Marshall.....	Guntersville
Brewer, Leroy.....	Mobile.....	Mobile
Broadnax, C.....	Crenshaw.....	Mount Carmon
Brown, J.E.....	Jackson.....	Scottsboro
Brown, N.H.....	Tuskaloosa.....	Tuskaloosa
Bruce, John.....	Wilcox.....	Prairie Bluff

NAME	COUNTY	POSTOFFICE
Carson, W.E.....	Lowndes.....	Mount Willing
Chapman, J.C.....	Clarke.....	Point Jackson
Clarke, P.G.....	Perry.....	Uniontown
Clopton, N.V.....	Butler.....	Greenville
Cloud, N.B.....	Montgomery.....	Montgomery
Cochran, Henry.....	Dallas.....	Selma
Cockrell, S.W.....	Greene.....	Eutaw
Cowan, J.H.....	Jackson.....	Princeton
Crawford, Daniel.....	Coosa.....	Rockford
Corsbie, Samuel.....	Colbert.....	Alsboro
Davis, C.H.....	Bullock.....	Union Springs
Dotson, Menter.....	Sumter.....	Livingston
Dozier, John.....	Perry.....	Uniontown
Draxler, Frank.....	Mobile.....	Mobile
Dustan, C.W.....	Marengo.....	Demopolis
Elliot, A.M.....	Shelby.....	Columbiana
Ellsworth, Hales.....	Montgomery.....	Montgomery
Fantroy, Samuel.....	Barbour.....	Eufaula
Franklin, John N.....	DeKalb.....	Ft. Payne
Gillaspie, H.A.....	Blount.....	Blountsville
Goldsby, J.H.....	Dallas.....	Fords
Greene, J.K.....	Hale.....	Greensboro
Greene, R.J.....	Jefferson.....	Irondale
Gresham, J.B.....	Pickens.....	Carrollton
Hamilton, A.J.....	Marion.....	Pikeville
Hannon, J.B.....	Elmore.....	Wetumpka
Hawkins, T.C.....	Greene.....	Haysville
Howell, W.P.....	Cleburne.....	Oak Level
Hunter, W.H.....	Lowndes.....	Hayneville
Johnson, R.L.....	Dallas.....	Selma
Jones, Samuel G.	Lee	Youngsboro.
Jones, Reuben.....	Madison.....	Huntsville
Kelly, E.D.....	Walker.....	Eldridge
Lamb, John.....	Limestone.....	Athens
Lawrence, G.W.....	Cherokee.....	Gaylesville
Lee, C.S.....	Coffee.....	Elba
Levey, J.M.....	Montgomery.....	Montgomery
Lewis, G.S.W.....	Perry.....	Uniontown
Lovvorn, W.D.....	Randolph.....	Lamar
McAfee, N.S.....	Talladega.....	Talladega
McCaskie, T.D.....	Wilcox.....	Camden
McCoy, H.R.....	Chambers.....	Milltown
McHugh, John H.....	Mobile.....	Mobile

NAME	COUNTY	POSTOFFICE
Mancill, E.J.....	Covington.....	Andalusia
Manning, A.R.....	Mobile.....	Mobile
Materson, Thomas.....	Lawrence.....	Courtland
Mathews, Perry.....	Bullock.....	Union Springs
Maul, January.....	Lowndes.....	Benton
Millen, G.R.....	Russell.....	Fort Mitchell
Merriwether, Willis.....	Wilcox.....	Prairie Bluff
Moss, J.M.....	Madison.....	Huntsville
Murfree, Joel D.....	Pike.....	Troy
Musgrove, W.A.....	Fayette.....	Palo
Patterson, S.J.....	Autauga.....	Autaugaville
Patterson, George.....	Macon.....	LaPlace
Peddy, Thomas B.....	Lee.....	Loachapoka
Purcell, H.....	Henry.....	Columbia
Reed, Robert.....	Sumter.....	Belmont
Reese, B.W.....	Hale.....	Greensboro
Renfro, J.M.....	Calhoun.....	Jacksonville
Simpson, John S.....	Lawrence.....	Courtland
Slater, J.A.....	Choctaw.....	Butler
Smith, J.N.....	Bibb.....	Centreville
Smith, Anderson.....	Dallas.....	Pleasant Hill
Smith, W.G.W.....	Morgan.....	Forkville
Smith, H.P.....	Tallapoosa.....	Young(s Roads
Speed, L.S.....	Bullock.....	Union Springs
St. Clair, Henry.....	Macon.....	Tuskegee
Stallworth, Nicholas.....	Conecuh.....	Evergreen
Steel, James W.....	Madison.....	Huntsville
Steel, Lawson.....	Montgomery.....	Mount Meigs
Stone, Lewis M.....	Pickens.....	Carrollton
Stribling, William.....	Washington.....	St. Stephens
Taylor, B.F.....	Lauderdale.....	Centre Star
Taylor, William.....	Sumter.....	Belmont
Threat, F.H.....	Marengo.....	Demopolis
Thomas, B.R.....	Marengo.....	Uniontown
Treadwell, J.R.....	Russell.....	Hurtville
Vaughn, James M.....	Baldwin.....	Stockton
Walker, Thomas.....	Dallas.....	Selma
Whatley, W.H.....	Tallapoosa.....	Fish Pond
Weatherford, W.W.....	Franklin.....	Frankfort
White, J.H.....	Clay.....	Ashland
Wilkinson, Levi.....	Dale.....	Skipperville
Williams, A.E.....	Barbour.....	Eufaula
Williams, L.J.....	Montgomery.....	Montgomery

SUPREME COURT OF ALABAMA

THOMAS M. PETERS, Chief-Justice
BENJ. F. SAFFOLD, Associate
ROBERT C. BRICKELL, Associate

Order of Business for January Term

The eight division composed of the counties of Blount, Colbert, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall, Morgan, St. Clair, and Winston.

The seventh division, composed of the counties of Calhoun, Cherokee, Clay, Cleburne, Coosa, DeKalb, Etowah, Jefferson, Shelby, and Talladega.

The sixth divisions, composed of the counties of Fayette, Greene, Hale, Marengo, Marion, Pickens, Sanford, Sumter, Tuscaloosa, and Walker.

The fifth division, composed of the counties of Baker, Chambers, Elmore, Lee, Macon, Randolph, Russell, and Tallapoosa.

The fourth divisions, composed of the counties of Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, and Pike.

The third division, composed of the counties of Autauga, Butler, Conecuh, Escambia, Lowndes, and Montgomery.

The second division composed of the counties of Bibb, Dallas, Monroe, Perry, and Wilcox.

The first division, composed of the counties of Baldwin, Choctaw, Clarke, Mobile, and Washington.

Order of Business for June Term.

The first division, composed of the counties of Baldwin, Choctaw, Clarke, Mobile, and Washington.

The second division, composed of the counties of Bibb, Dallas, Monroe, Perry, and Wilcox.

The third division, composed of the counties of Autauga, Butler, Conecuh, Escambia, Lowndes, and Montgomery.

The fourth division, composed of the counties of Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, and Pike.

The fifth division, composed of the counties of Baker, Chambers, Elmore, Lee, Macon, Randolph, Russell, and Tallapoosa.

The sixth division, composed of the counties of Fayette, Greene, Hale, Marengo, Marion, Pickens, Sanford, Sumter, Tuscaloosa, and Walker.

The seventh division, composed of the counties of Calhoun, Cherokee, Clay, Cleburne, Coosa, DeKalb, Etowah, Jefferson, Shelby, and Talladega.

The eighth division, composed of the counties of Blount, Colbert, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall, Morgan, St. Clair, and Winston.

FIRST JUDICIAL CIRCUIT

MILTON J. SAFFOLD, Selma, Judge.

Perry county-1st Monday in March and October; three weeks.

Hale county-3d Monday after 1st Monday in March and October; three weeks.

Bibb county-6th Monday after 1st Monday in March and October; one week.

Dallas county- 8th Monday after 1st Monday in March and October; eight weeks.

SECOND JUDICIAL CIRCUIT

J.Q. SMITH, Montgomery, Judge.

Elmore county- 4th Monday in March and September; two weeks.

Baker county-2d Monday after 4th Monday in March and September; one week.

Autauga county-3d Monday after 4th Monday in March and September; two weeks.

Lowndes county-5th Monday after 4th Monday in March and September; three weeks.

Montgomery county-1st Monday in June and 2d Monday in December; until business is disposed of.

THIRD JUDICIAL CIRCUIT

W. S. MUDD, Elyton, Judge

Walker county- 2d Monday in March and September; one week.

Fayette county-3d Monday in March and September; one week.

Sanford county-4th Monday in March and September; one week.

Marion county- 1st Monday after 4th Monday in March and September; one week.

Winston county- 2d Monday after 4th Monday in March and September; one week.

Jefferson county-3d Monday after 4th Monday in March and September; two weeks.

Tuskaloosa county-5th Monday after 4th Monday in March and September; until business is disposed of.

FOURTH JUDICIAL CIRCUIT.

J. S. CLARKE, MOUNTAIN HOME, Judge.

Morgan county-1st Monday in March and September; one week.

Lawrence county-2d Monday in March and September; one week.

Franklin county-3d Monday in March and September; one week.

Colbert county-4th Monday in March and September; two weeks.

Lauderdale county-2d Monday after 4th Monday in March and September; two weeks.

Limestone county-4th Monday after 4th Monday in March and September; until business is disposed of.

FIFTH JUDICIAL CIRCUIT

W. J. HARALSON, Lebanon, Judge

Blount county-1st Monday in March; one week, and Monday before 1st Monday in September; two weeks.

Marshall county-2d Monday in March and September; one week.

DeKalb county-3d Monday in March and September; one week.

Jackson county- 4th Monday in March and September; three weeks.

Madison county-5th Monday after 4th Monday in March and September; until business is disposed of.

SIXTH JUDICIAL CIRCUIT

JOHN ELLIOT, Mobile, Judge.

Mobile county-1st Monday after 4th Monday in April and November; until business is disposed of.

Baldwin county-4th Monday after 4th Monday in March and September; two weeks.

Washington county-2d Monday in April and November; one week.

Clarke county-3d Monday in April and November; one week.

SEVENTH JUDICIAL CIRCUIT

L.R. SMITH, Demopolis, Judge.

Pickens county-3d Monday in March and September; two weeks.

Greene county-1st Monday after 4th Monday in March and September; two weeks.

Sumter county-3d Monday after 4th Monday in March and September; two weeks.

Choctaw county- 5th Monday after 4th Monday in March and September; two weeks.

Marengo county-7th Monday after 4th Monday in March and September, two weeks.

EIGHTH JUDICIAL CIRCUIT

J. McCALEB WILEY, Troy, Judge.

Henry county-1st Monday in March and September; two weeks.

Dale county-3d Monday in March and September; two weeks.

Geneva county-1st Monday after 4th Monday in March and September; one week.

Coffee county-2d Monday after 4th Monday in March and September; one week.

Pike county-3d Monday after 4th Monday in March and September; two weeks.

Bullock county-5th Monday after 4th Monday in March and September; two weeks.

Barbour county-7th Monday after 4th Monday in March and September; until business is disposed of.

NINTH JUDICIAL CIRCUIT

L .B. STRANGE, Tuskegee, Judge

Chambers county-5th Monday after 1st Monday in March and September; two weeks.

Russell county-9th Monday after 1st Monday in March and September; two weeks.

Tallapoosa county- 4th Monday in March and September; two weeks.

Lee county-7th Monday after 1st Monday in March and September; two weeks.

Macon county-1st Monday in March and September; three weeks.

TENTH JUDICIAL CIRCUIT

Wm. H. SMITH, WEDOWEE, Judge.

Randolph county-3d Monday in February and August; one week.

Clay county-4th Monday in February and August; one week.

Talladega county-1st Monday in March and September; four weeks.

Shelby county- 1st Monday after 4th Monday in March and September; two weeks.

Coosa county- 3d Monday after 4th Monday in March; one week, and 3d Monday after 4th Monday in September; two days.

ELEVENTH JUDICIAL CIRCUIT.

P.O. HARPER, Greenville, Judge.

Covington county-1st Monday in March and September; one week.

Crenshaw county-2d Monday in March and September; two weeks.

Escambia county-4th Monday in March and September; one week.

Conecuh county-1st Monday after 4th Monday in March; two weeks, and 1st Monday after 4th Monday in September; two weeks.

Wilcox county-5th Monday after 4th Monday in March and September; three weeks.

Butler county-8th Monday after 4th Monday in March and September; until business is disposed of.

TWELFTH JUDICIAL CIRCUIT

W.L. WHITLOCK, Centre, Judge.

Cherokee county- 1st Monday in March and September; two weeks.

Etowah county-4th Monday in March and September; two weeks.

St.Claire county-2d Monday after 4th Monday in March and September; one week.

Calhoun county-3d Monday after 4th Monday in March and September; two weeks.

Cleburne county-5th Monday after 4th Monday in March and September; one week.

NORTHERN CHANCERY DIVISION

R.S. WATKINS, Russellville, Chancellor

1st District-Franklin, 1st Monday in May and Thursday after 1st Monday in November; three days.

2d District-Lauderdale, 2d Monday in May and November; six days.

3d District-Lawrence and Winston, at Courtland, 2d Monday in January and July; two weeks.

4th District-Limestone, 4th Monday in May and November; six days.

5th District-Madison, 1st Monday after 4th Monday in May six days, and 1st Monday after 4th Monday in November; two weeks.

6th District-Colbert, Monday preceding 1st Monday in May and November; six days.

- 7th District-Blount, Friday after 2d Monday after 4th Monday in May; two days.
 8th District-Marshall, 3d Monday after 4th Monday in May; three days.
 9th District-Jackson, Thursday after 3d Monday after 4th Monday in May, and 4th Monday in December; six days.
 10th District-DeKalb, Thursday after 4th Monday in May and third Monday in December; three days.
 11th District-Morgan, 1st Monday in February; one week.
-

MIDDLE CHANCERY DIVISION

CHARLES TURNER, Selma Chancellor.

- 1st District-Dallas, 1st Monday in April and October; two weeks.
 2s District-Baker, 3d Monday in April; one week.
 3d District-Perry, 4th Monday in April and October; one week.
 4th District-Bibb, 1st Monday after 4th Monday in April and October; one week.
 5th District-Shelby, 2d Monday 4th Monday in April and October; one week.
 6th District-Jefferson, 3d Monday after 4th Monday in April and October; four days.
 7th District-St. Clair Thursday after 3d Monday after 4th Monday in April; three days.
 8th District-Autauga, 4th Monday after 4th Monday in April and October; one week.
 9th District-Elmore, 5th Monday after 4th Monday in April and October; one week.
 10th District-Coosa, 6th Monday after 4th Monday in April and October; one week.
 11th District-Monroe, Wednesday after 7th Monday after 4th Monday in April and October; four days.
 12th District-Wilcox, 8th Monday after 4th Monday in April and October; one week.
-

SOUTHERN CHANCERY DIVISION

A.C. FELDER, Montgomery, Chancellor.

- 1st District-Mobile and Baldwin, 4th Monday in January and June; three weeks.

- 2d District-Montgomery, 4th Monday in May and November three weeks.
- 3d District-Lowndes, 1st Monday in April and November; one week.
- 4th District-Pike, 1st Monday in June and December; two weeks.
- 5th District- Butler, Conecuh and Escambia.
Conecuh-4th Monday in February and August; two days.
Butler- Thursday after the 4th Monday in February and August, until business is disposed of.
- 6th District-Coffee and Geneva, at Elba, 2d Monday in June and December; one week.
- 7th District-Crenshaw, 3d Monday in February and August; two days.
- 8th District-Covington, Wednesday after 3d Monday in February and August; two days.

EASTERN CHANCERY DIVISION.

B.B. McCRAW, LaFAYETTE, Chancellor.

- 1st District-Calhoun and Cleburne.
Calhoun-5th Monday after 4th Monday in May, and 2d Monday in January ; six days.
Cleburne-6th Monday after 4th Monday in May, and 3d Monday in January, or such other time as the chancellor may fix ; three days.
- 2d District-Talladega and Clay, 2d Monday in February and August; six days.
- 3d District-Randolph, 2d Monday in January three days; and 7th Monday after 4th Monday in May; six days.
- 4th District-Tallapoosa, Thursday after 4th Monday in May, and 4th Monday in November; six days.
- 5th District- Chambers and Lee, Thursday after 1st Monday after 4th Monday in May, and 1st Monday in November, until business is disposed of.
- 6th District-Macon, 3d Monday in May and December; one week.
- 7th District-Russell, 3d Monday in May six days, and third Monday in November; three days.
- 8th District- Bullock, 3d Monday after 4th Monday in March and September, until business is disposed of.

- 9th District-Barbour, Henry and Dale.
 Barbour, 1st Monday after 4th Monday in March and September; one week.
 Henry, 2d Monday after 4th Monday in March and September; four days.
 Dale, Friday after 2d Monday after 4th Monday in March and September; two days.
- 10th District-Cherokee, Thursday after 4th Monday after 4th Monday in May, and 3d Monday in January; six days.
- 12th District- Etowah, 6th Monday after 4th Monday in May, and 4th Monday in January; six days.

WESTERN CHANCERY DIVISION

A.W. DILLARD, Livingston, Chancellor.

- 1st District-Clarke, 3d Monday in May and 1st Monday in December; three days.
- 2d District-Washington and Choctaw, 1st Wednesday after 4th Monday in May, and Thursday after 2d Monday in November; three days.
- 3d District-Marengo, 1st Monday after 4th Monday in May; three days
- 4th District-Sumter, Thursday after 4th Monday in May, and 3d Monday in November; three days.
- 5th District-Greene and Hale, 2d Monday after 4th Monday in May; six days, and Thursday after 4th Monday in November; three days.
- 6th District-Tuskaloosa, 3d Monday after 4th Monday in May; six days, and 4th Monday in November; three days.
- 7th District-Pickens, 3d Monday in July and Thursday after 3d Monday in November; three days.
- 8th District-Fayette, Marion and Walker, Thursday after 3d Monday in July; three days.
 Walker, 4th Monday in July; six days.
- 9th District-Sanford, 4th Monday in July, until business is disposed of.

CITY AND CRIMINAL COURTS

Criminal Court of Bullock County-Terms held at Union Springs.

C. J. L. CUNNINGHAM, Judge
GEORGE WILLIAMS, Clerk

Two terms annually, commencing on 2d Monday in January and 1st Monday in August.

Criminal Court of Butler County-Terms held at Greenville.

J. K. HENRY, Judge
E. CRENSHAW, Clerk

Two terms annually, commencing on 1st Monday in February and August.

Criminal Court of Dallas County-Terms held in Selma.
GEORGE H. CRAIG, Judge.
R.F. THOMAS, Clerk.

Term commencing on the 4th Monday of each month for trial of such misdemeanors as may be law be tried without a jury; and three terms annually for the trial of criminal offenses generally, commencing on the first Monday of March, July and December.

City Court of Eufaula.

E.M. KEILS, Judge.
A. T. SPENCE, Clerk.

Two terms annually, commencing on 2d Monday in June and December.

City Court for Lee County-Terms held at Opelika.

JOHN N. CHILTON, Judge.
J. H. SLAPPY, Clerk.

Two terms annually, commencing on 1st Monday in February and August.

City Court of Mobile.

C.F. MOULTON, Judge.
P. LaVERGG, Clerk.

Terms for the trial of civil causes, commence on 1st Monday in February and May and 2d Monday in November.

City Court of Montgomery County

J.D. CUNNINGHAM, Judge
AVERETT HOWARD, Clerk

Three terms annually, commencing on 3d Monday in February, and 2d Monday in July and October.

((
STATE OFFICERS
Executive Department.

DAVID P. LEWIS, Governor
ALEX MCKINSTRY, Lt. Governor
NEANDER H. RICE, Secretary of State
R.T. SMITH, Auditor of State
ARTHUR BINGHAM, State Treasurer
BENJ. GARDNER, ATTORNEY GENERAL

(((
Educational Department

J.H. SPEED, Superintendent of Public Instruction.
(((
Board of Education

1st District-J.H. Sears, Selma
W.B.H. Howard, Camden
2d District-J.R. Ard, Ozark
G.M.T. Gibson, Geneva
3d District-O.D. Smith, Opelika
J.P. Oliver, Dadeville
4th District-John T. Foster, Greensboro
(Vacancy)
5th District-L.F. Box, Ashville
W.N. Cowen, Gadsden
6th District-W.J. Smith, Town Creek
A.H. McClung, Jasper.

Bureau of Industrial Resources
THOMAS LAMBERT, Commissioner
(((
JUDICIAL DEPARTMENT
Supreme Court

T.M. PETERS, Chief Justice, Moulton
B.F. SAFFOLD, Associate, Selma
R.C. BRICKELL, Associate, Huntsville
D.B. BOOTH, Clerk, Prattville.

T.G. JONES, Reporter, Montgomery
W.P. GOLSON, Marshall and Librarian, Prattville.

Circuit Judges

M.J. SAFFOLD, 1st Circuit, Selma
J.Q. SMITH, 2d Circuit, Montgomery
W.S. MUDD, 3d Circuit, Elyton
W.J. HARALSON, 4th Circuit, Lebanon
J.S. CLARKE, 5th Circuit, Mountain Home
JOHN ELLIOT, 6th Circuit, Mobile
L.R. SMITH, 7th Circuit, Demopolis
J. Mc. WILEY, 8th Circuit, Tuskegee
W.H. SMITH, 10th Circuit, Wedowee
P.O. HARPER, 11th Circuit, Greenville
W.L. WHITLOCK, 12th Circuit, Centre.

Chancellors

R.S. WATKINS, Russellville, Northern Division
CHAS. TURNER, Selma, Middle Division
A.C. FELDER, Montgomery, Southern Division
B.B. McCRAW, LaFayette, Eastern Division
A.W. DILLARD, Livingston, Western Division

CONGRESSIONAL REPRESENTATION

United State Senators

GEORGE GOLDWAITE, Montgomery
GEORGE SPENCER, Decatur

Representatives,

At large- ALEX WHITE, Selma
At large, C.C. SHEETS, Decatur
1st District- F.G. BROMBERG-Mobile
2d District-J.T. RAPIER, Montgomery
3d District-CHARLES PELHAM, Talladega
4th District-CHARLES HAYS, Eutaw
5th District-J.H. CALDWELL, Jacksonville
6th District- J.H. SLOSS, Tuscumbia

LIST OF COUNTY OFFICERS IN THE STATE OF ALABAMA FOR 1874

- Counties
- Post-Office or County Site
- Probate Judge
- Circuit Clerk
- Sheriff
- Tax Assessor
- Tax Collector

- Autauga
- Prattville
- Golson, W.G.M.
- Roper, J.F.
- Boon, W.J
- Jackson, W.B.
- Booth, J.H.

- Baker
- Clanton
- Roberson, M
- Vines, F.M.
- Dunlap, J.W.
- Boykin, J.D.
- Dudley, J.A.

- Baldwin
- Howard(s
- Gasque, W.H.
- Gasque, W.H.

Moniac, D.A.

Monaic, D.A.

Moniac, D.A.

Barbour

Clayton

Russell, H.C.

Spence, A.T.

Flournoy, J.C.

Lore, D.

Williams, D.A.

Bibb

Centreville

Gardner, J.

Owen, J.W.

Latham, J.

Lowery, J.B.

Wells, D.N.

Blount

Blountsville

Moore, J.W.

Gillespie, H.A.

Shelton, G.D.

Burnett, S.T.

Ratliff, J.

Bullock

Union Springs

Black, W.H.

Williams,
Geo.

Cowan, J.G.

Mabson, T. Sr.

McCall, S.

Butler

Greenville

Watson, H.W.

Crenshaw, E.

Perdue, J.H.

Armstrong,
C.J.

Hicks, J.A.

Calhoun

Jacksonville

Woods, A.

Crook, W.P.

Read, C.P.

Fitz, H.

McClelen, E.

Chambers

LaFayette

Appleby, John

Dorman, W.L.

Robinson,
S.

Abernathy,
D.H.

Clemons, W.H.

Clarke

Grove Hill

Wilson, J.R.

Savage, J.C.

Bettis, J.R.

Cowan, T.J.

Parker, S.J.

Clay

Ashland

Bellamy, B.L.

Stockdale, J.R.

Beard, Issac

Haynes, J.L.

Bartlett, Y.J.A.

Cherokee

Centre

Bradford, J.

Daniel, D.C.

Daniel, J.M.

Leath, J.A.

Savage, R.R.

Cleburne

Edwardsville

Hunnicutt, W.R.

Baber, J.

Alexander, W.J.

Caffey, L.

Hogan, J.D.

Choctaw

Butler

Evans, J.S.

Chapman, J.C.

Hearin, R.M.

Davis, J.J.

O(Neal, J.

Coffee

Elba

Weeks, B.M.

Vaughn, A.

Donnelly, H.E.

Powe, H.H.

Ulmer, F.

Colbert

Tuscumbia

Ligon, A.W.

McClesky, S.W.L.

Julian, W.R.

Craig, J.F.

Alexander, J.G.

Conecuh

Evergreen

Jones, A.W.

Ledkins, W.J.

Fortner, J.

Etheridge, L.

Stallworth, W.M.

Coosa

Rockford

Fargason, T.H.

Bentley, J.S.

Gulledge, R.H.

Davis, G.N.

Howard, J.N.

Covington

Andalusia

Cotter, T.P.

Acree, W.T.

Thompson, J.A.

Fletcher, A.J.

Fletcher, A.J.

Crenshaw

Rutledge

Thagard, G.W.

Cody, F.M.

Jones, O.S.

Curenton, M.J.

Benbow, J.V.

Dale

Ozark

Brown, L.B.

Barnes, J.

Dowd, B.

Byrd, C.

Fain, T.J.

Dallas

Selma

Conoly, J.F.

Silsby, J.

Brantley, W.A.

Boyd, A.

Morgan, E.I.

DeKalb

Lebanon

Horton, A.J.

Brandon, P.A.

Nicholson, T.J.

Franklin, J.B.

McCurdy, J.A.

Elmore

Wetumpka

Dennis, W.E.

Bulger, W. C. Jr

Lancaster, J.A.

Still, W.C.

Glenn, J.S.C.

Escambia

Pollard

Bonifay, F.B.

Kelly, E.

McMillan, M.

Brewton, E.T.

Presley, J.H.

Etowah

Gadsden

Moragne, J.M.

Brock, H.M.

Lovins, W.S.

Means, P.B.

Garmany, G.N.

Fayette
Fayette, C.H.
Wilson, B.W.
Bermis, J.B.
Henry, J.J.
Thronton, P.W.
Stellman, B.M.
Franklin
Frankfort
Anderson, S.S.
Bently, J.G.
Copeland, R.
Jordan, J.M.
Chambliss, D.N.
Geneva
Geneva
Yarborough, T.H.
Morris, W.H.
Register, J.F.
Thomas, A.F.
Mills, N.J.
Greene
Eutaw
Roberts, T.W.
Head, J.B.
Steele, J.A.
Smith, J.T.
Kimbrough, J.T.
Hale
Greensboro
Hobson, J.M.
Boardman, V.
Harris, F.M.
Jones, W.W.
Johnson, B.
Henry
Abbeville
Appling, J.B.
Bradley, W.E.
Coe, J.A.
Yonge, J.A.
Watford, W.F.
Jackson
Scottsboro
Tate, D.
Huggins, A.J.
Harris, J.R.
McMahon, S.H.
King, J.R.
Jefferson
Birmingham
Morrow, J.C.
Ware, J.M.
Eubank, J.T.

Baker, J.A.
Laird, A.H.
Lauderdale
Florence
Allington, T.T.
Jackson, James
Lewis, A.D.
Denson, T.J.
Thomas, J.
Lawrence
Moulton
McDonald, J.H.
Goodlett, R.Y.
Simmons, W.T.
McVay, L.C.
Campbell, D.B.
Lee
Opelika
Williams, W.
Tucker, S.H.
Hubbard, J.R.
Knight, W.N.
Scott, A.A.
Limestone
Athens
Coman, J.L.
Moore, J.A.
Malone, J.H.
Bailey, N.R.
Cannon, D.A.
Lowndes
Hayneville
McDuffie, J.V.
Cook, I.C.
Bryan, L.J.
Pepperman, J.
Armstrong, T.W.
Macon
Tuskegee
Menefee, J.T.
Hays, H.R.
Grimmett, J.A.
Carr, W.S.
Bowen, W.B.
Madison
Huntsville
Douglass, L.M.
Bone, J.H.
Brown, J.H.
Taylor, T.J.
Morrow, J.F.
Marengo
Linden
Maupin, R.L.
Taylor, J.W.
Harrison, J.
Wynn, A.J.

McNeil, M.H.
Marion
Pikeville
Terrell, J.D.
Pope, D.W.
Akers, M.T.
Akers, M.T.
Akers, M.T.
Marshall
Guntersville
Lusk, D.L.
Proctor, N.T.
Province, F.A.
Garrett, P.M.B.
Whittaker, R.
Mobile
Mobile
Horton, G.
Lomery, J.M.
Dane, R.
Simpson, J.R.
Lott, E.B.
Monroe
Monroeville
Leslie, J.W.
DeLoach, J.
Kemp, W.B.
Middleton, W.G.
Boyles, J.T.
Montgomery
Montgomery
Ely, Geo
Brainard, M.D.
Strobach, P.
McDuffie, J.D.B.
Robinson, P.
Morgan
Somerville
Ford, J.
Stinson, S.S.
Ponder, B.F.
Burt, H.
Woodall, J.J.
Perry
Marion
Howze, A.C.
Jones, L.S.
Harris, J.T.
Smith, H.W.
Moseley, H.H.
Pickens
Carrolton
Bogle, R.R.
Langdon, J.F.
Lipsey, W.L.
McCafferty, J.C.
Kilpatrick, J.

Pike
Troy
Woods, W.C.
Brantley, T.K.
Segars, H.R.
Satcher, J.N.
Ballard, T.N.
Randolph
Wedowee
Dobson, W.W.
Bolt, R.H.
Bennett, J.
Cofield, W.
Davis, J.H.
Russell
Seale
Appleby, T.L.
Falkner, W.A.B.
Burch, J.S.
Davis, A.
Bikerstaff, J.H.
Sanford
Vernon
Falkner, B.L.
Martin, J.M.
Wofford, L.M.
Pennigton, J.E.
King, J.R.
St. Clair
Ashville
Robinson, E.J.
Newton, R.F.
Robinson, H.F.
Rowan, R.
McClendon, J.
Shelby
Columbiana
Leeper, J.T.
Elliott, C.B.
Nelson, F.A.
Elliott, J.L.
Seale, E.
Sumter
Livingston
Abrahams, J.A.
Wayne, W.A.
Williamson, S.
Deloach, N.R.
Hall, S.
Talladega
Tallaedga
Plowman, G.P.
Coker, J.H.
Nix, J.J.
Billue, J.D.
Thompson, F.B.
Tallapoosa

Dadeville
Sturdivant, A.D.
Smith, T.J.
Hodo, D.N.
Green, N.A.
Parker, R.T.
Tuskaloosa
Tuskaloosa
Miller, W.
Parish, R.C.
Skelton, J.A.
Ryan, N.J.
Horner, J.R.
Walker
Jasper
Brown, J.
Stovall, D.L.
Ferguson, H.
Jones, R.L.
Jones, R.L.
Washington
St. Stephens
Gordy, J.W.
Gordy, J.W.
Bailey, T.H.
Shinn, T.
Clements, Z.T.
Wilcox
Camden
Cook, J.T.
Morgan, A.L.
McWilliams, E.C.
Fraser, D.J.
Davis, L.M.
Winston
Houston
Hays, A.B.
Burdick, F.C.
Adkins, H.
Long, J.C.
Hughes, G.

TABLE

OF THE

RATES OF INTEREST OF THE STATES OF THE UNION

COMPLIED IN PURSUANCE OF AN ACT APPROVED FEBRUARY 18th, 1848

=====

=

Maine.....6 per cent		Kansas,(convent(l).....10 per cent	
Rhode Island.....6	(	New Hampshire.....6	(
Massachusetts.....6	(	Connecticut.....6	(
New York.....7	(	Vermont.....6	(
Pennsylvania.....6	(	New Jersey.....6	(
Maryland.....6	(	Delaware.....6	(
North Carolina....6	(	Virginia.....6	(
Tennessee.....6	(	South Carolina.....7	(
Ohio.....6	(	Kentucky.....6	(
Illinois.....6	(	Indiana.....6	(
Alabama.....8	(	Georgia.....8	(
Arkansas.....6	(	Missouri.....6	(
Iowa.....7	(	Michigan.....6	(
Texas, (convent(l) 8	(	Florida.....6	(
California.....10	(	Wisconsin.....7	(

MISSISSIPPI. (Legal interest, 6 per cent. ; lent money, 8 per cent.

LOUISIANA. (Legal interest, 5 per cent. ; bank interest, 6 per cent. ; conventional interest, 10 per cent.